

104  
**INTERIOR DEPARTMENT REVIEW AND BUDGET**

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**Y 4. R 31/3: 104-93**

**Interior Department Review and Budg... IT HEARING**

**BEFORE THE**

**COMMITTEE ON RESOURCES  
HOUSE OF REPRESENTATIVES**

**ONE HUNDRED FOURTH CONGRESS**

**SECOND SESSION**

**ON**

**REVIEWING THE INTERIOR DEPARTMENT'S FISCAL  
YEAR 1997 BUDGET AND DISCUSS MATTERS RELAT-  
ED TO PROGRAMS AND ACTIVITIES OF THE DE-  
PARTMENT**

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**APRIL 24, 1996—WASHINGTON, DC**

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**Serial No. 104-93**

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**Printed for the use of the Committee on Resources**



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# INTERIOR DEPARTMENT REVIEW AND BUDGET

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WEDNESDAY, APRIL 24, 1996

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON RESOURCES,  
*Washington, DC.*

The Committee met, pursuant to call, at 1:35 p.m., in room 1324, Longworth House Office Building, Washington, D.C., Hon. Don Young (Chairman of the Committee) presiding.

## **STATEMENT OF HON. DON YOUNG, A U.S. REPRESENTATIVE FROM ALASKA; AND CHAIRMAN, COMMITTEE ON RESOURCES**

Mr. YOUNG. The meeting will come to order. The committee meets this afternoon to review and discuss the Interior Department's fiscal year 1997 budget with Secretary Babbitt.

It is good to have him here. I know that members of both sides will want to discuss many matters related to programs and activities of the Department. For that reason, I will be brief. I will make everybody on this committee happy, including the Secretary.

The administration and the Republicans on this committee have some significant differences over how many of the Department's programs should be funded. However, many of our recommendations to the appropriations House Budget Committee in fiscal year 1997 will be significant increases over the current fiscal year 1996 conference report.

For example, we have recommended a 2.5 percent increase for operations and maintenance of the National Park Service; a \$15 million increase in funding for the Endangered Species Act; a \$2 million increase in funding for the Endangered Species Conservation Fund; \$2.25 million increase in funding for the North American Wetlands Conservation Fund; a \$6 million increase in the Everglades Restoration Plan; a \$14 million increase for the Refuse Lands Acquisition Program. These increases will be considered in context with the budget constraints we are under.

Regarding budget-related legislative proposals, despite our critics' rhetoric to the contrary, we have proposed and debated many bills in public which reformed significant laws and programs under our jurisdiction. In many cases, those bills have been reported out of this committee or soon will be. They include mining law reform, grazing reform, and recreational fee reform to name a few.

I might note that the recreational fee bill includes a park fee increase, which is a concept the Secretary and the administration have long endorsed, again as recently as Monday. Perhaps our most visible debate regarding this legislation, this committee held

over 18 hearings across the country in 1995 and 1996 under the ESA bill, two in Washington. These hearings represented a great deal of public input on both sides of the issue. Many in this room are fully aware of just how public the debate has been.

While the administration has been vocal on issues ranging from ESA to mining law reform, which we welcome, I have to say in all honesty I am disappointed that they have failed to offer alternative proposals of their own on both of these issues. Very frankly, I look forward to hearing what the Secretary has to say on his suggestions.

I would like to suggest and I hope we will see some ideas instead of total criticism for this committee. Before I recognize the gentleman from California, I would like to, at this time, Mr. Secretary, put you under oath. This is standard procedure for the head of each agency, so would you please stand and raise your right hand?

Do you solemnly swear or affirm under the penalty of perjury that the responses given and the statements made will be the whole truth and nothing but the truth?

Mr. BABBITT. I do.

Mr. YOUNG. You are sworn in. Mr. Miller.

Mr. MILLER. I'll stay right here. All right?

Mr. YOUNG. Mr. Tauzin.

Mr. TAUZIN. Same thing here.

Mr. YOUNG. Mr. Vento.

#### **STATEMENT OF HON. BRUCE F. VENTO, A U.S. REPRESENTATIVE FROM MINNESOTA**

Mr. VENTO. Mr. Chairman, I take exception to some of the statements that you made with regard to the record of the committee and what we have done, and obviously, I think in any transition of responsibility that has occurred here, that it is understandable that you have taken some time and perhaps could have taken more time in terms of legislative measures, but the fact is that the committee has not been as productive as I think it has historically been.

We have tremendous jurisdiction and workload here, and the fact is that the work product of the committee has respected obviously sharp differences, which always is the case, but with much more confrontation. The result has been that we haven't made the policy changes and many of them have been superimposed into budget, into appropriation matters which this week even, and this day, 7 months into the fiscal year, we have been unable to activate spending measures because of the extraordinary measures they have been imposed that would change some of the public policies that affect Interior and Agriculture.

Having worked with this committee, I understand the workload of it and I am willing to work with the Members. I would hope that in these remaining months, we can deal with at least some of the little things, if not the big things, that are the challenge and the responsibility of this committee and its policy to deal with.

Mr. YOUNG. I recognize the gentleman's comment. I would suggest that we pass more bills that have been signed into law out of this committee in this session, actually signed into law, than the



last session when you were the chairman of this committee, and I will remind people of that.

You may not agree, but the President did sign them.

Mr. VENTO. I think you are wrong.

Mr. YOUNG. No, I am not wrong. If you would like to check the figures, just check them.

The gentleman from Utah.

#### STATEMENT OF HON. JAMES V. HANSEN, A U.S. REPRESENTATIVE FROM UTAH

Mr. HANSEN. Thank you, Mr. Chairman. I would like to take my time. I do have an opening statement I would like to make.

Frankly, Mr. Chairman, I have been certainly disappointed in the performance of the Secretary of Interior. When we first got involved in these things, I have offered a hand of fellowship to him when I first came in as Chairman of the Subcommittee on Public Lands and National Parks.

I have called Mr. Babbitt and asked to have meetings, promised it would be. They haven't been.

Mr. Chairman, I have submitted for the record a group of quotes made by Mr. Babbitt concerning H.R. 260. Where they were made, whether it be in Tennessee, Utah, California, wherever it may be, concerning H.R. 260 which Mr. Vento and Mr. Miller are co-sponsors on, talking about closing parks.

I submit to Mr. Babbitt and everybody in this room, if they will just turn to page 13 of the so-called park closing bill, there is no park closing bill, and contrary to what has been said, and if I had the time, I would be happy to read every one of these things where it says we are closing parks and all this is going to be sold off. That is pure poppycock. There is nothing in that bill. In fact, on page 13 it specifically states the only way a park can be closed is the way that has always been for a park to be opened, and I think that some people tried to ingratiate themselves into this Clinton administration and have gone out to be the whipping boy concerning these particular issues.

Basically, let me state for the record, it just is not true. It is a prevarication of the truth, and I resent it as Chairman of that Subcommittee.

We have a responsibility to bring these parks up to where we want to do it, and I was interested to notice when I got in Monday night on the late flight and watched Mr. Babbitt, Vice President Gore, and President Clinton talk about what they want for the parks. For the record, this is it. I hope you can submit this for the record.

Now, if they had taken the time and the effort to just read a few things, we have done 80 percent of everything they called for on here. Where have they been? What rock have they been hiding under? Come forth and say yes, we have got the concession bill. We do have a bill to take care of buildings for the people in the parks. We do have one on concessions, and all these things we have been working on, and yet it sounds like it is brand new information that has never hit before, as if no one ever thought of these things.

We have probably done, contrary to what the gentleman from Minnesota has said, we probably passed out more legislation out of this subcommittee than any other subcommittee there is around.

Also, Mr. Chairman, if I may, I would like to bring up the issue of wilderness. In the State of Utah, we have passed H.R. 1745. H.R. 1745 came from Mr. Babbitt's group, and it really irritates me, because his man from the Interior was the guy that stood up and said 1.9 million acres. This came from those people, not from us. We paralleled their area.

Yet Mr. Babbitt comes along and says, oh, no, it has got to be about 5 million acres. I sent him a letter dated March 29th, Dear Secretary Babbitt: On Wednesday, March 27, 1996, a statement was released by Vice President Gore in reference to the Utah Public Land Management Act of which I would ask that you copy the entire statement.

In that statement, Vice President Gore states the Secretary of Interior, Bruce Babbitt, said that at least 5 million acres should qualify as wilderness areas. Where, Mr. Babbitt, we asked in the next part, is that area that qualifies? We are still waiting for your answer.

Every time I sent a letter down there, it is just totally ignored and yet they want work groups. The fact of the park issue, I think it is quite interesting that under oath, sitting right where Mr. Babbitt is sitting now, was a fellow by the name of Roger Kennedy, the Director of National Parks.

Mr. Kennedy also put his arm on the square, Mr. Babbitt, and was asked the question, "Does H.R. 260 close any parks, Mr. Kennedy?" Answer, "No, it does not close any parks." "Mr. Kennedy, does H.R. 260 privatize any parks?" "No, it does not." Does the right hand down there know what the left hand is doing?

Now, Mr. Chairman, if I may say so, I am really disappointed in what we received out of this group. It seems more political. We have honestly, sincerely tried to do what is good for the public lands of America.

Also, in the paper, here is a variancy statement, the GOP seeks to dismantle a century of bipartisan work. Now, I am quoted in there. I would like somebody to tell me where I said we are going to close 100 parks. I would like somebody to tell me where this list is that we are supposed to have.

I happen to be Chairman of the Subcommittee and I don't have a list, but yet between the administration and Mr. Babbitt, we have seen this reference to a list time after time after time. Where in the hell is the list? I wish somebody would bring it out, because there is no list.

Can we just kind of forget all this and get it out of our system and start working, or are we going to continue this fighting crap that we have been going through? It doesn't make a lick of sense to me, and if we are looking for a man that wants to get a higher job in something, I think he should be replaced.

Thank you, Mr. Chairman.

Mr. YOUNG. I thank the gentleman, and it was the bill that you referring to that Mr. Vento sponsored and was supported by the administration prior to the last election. It is a shame it has been politicized. Mr. Vento voted for it, blocked off for it on the floor,

fought hard for it, and no one has ever accused Mr. Vento of ever closing a park at any time in history, today, tomorrow, or in the future, in the hereafter. I can guarantee that.

Mr. VENTO. Mr. Chairman, I didn't make any statements about—

Mr. YOUNG. No, you didn't.

Mr. VENTO [continuing]. Closing any parks, but unfortunately, others did.

Mr. YOUNG. We have gone through every record. No one has made that statement.

The gentleman from Utah has not made that statement, I have not made that statement, and unfortunately, people keep repeating the big lie and something to the fact of a list being made.

Mr. VENTO. Mr. Chairman, for the record I think you would do well to take the advice of our colleague, the Subcommittee Chairman, in terms of moving forward rather than—

Mr. YOUNG. This is our desire to move forward.

Mr. VENTO [continuing].—Making a historic provision is about who said what and who did what.

Mr. YOUNG. I understand this. Our problem is that every time we try to move forward, the rhetoric changes to a more strident tone, and we wonder what we are doing it for.

The gentleman from—

Mr. MILLER. Mr. Chairman, if the gentleman would yield, I would say that part of that, I think, is a reaction to some very explicit quotes by yourself and the gentleman from Utah the moment after the election took place that suggested that this was in fact what you were going to do and in fact what the bill did do prior to the amendment process.

Mr. YOUNG. Where did it say that, Mr. Miller? Do you have that document?

Mr. MILLER. Well, Mr. Hansen said it in the Denver Post on November 6, 1994, when we take over, we are going to have a park closing commission.

Mr. YOUNG. And that is exactly the name of the bill that Mr. Vento did.

Mr. MILLER. I understand that.

Mr. YOUNG. That is exactly what it was.

Mr. MILLER. I understand that. I understand that.

Mr. YOUNG. I mean, that is public truth. Tell the truth. Stick to the truth.

Mr. MILLER. Well, if you would hold off for a second. If you have been there once, you don't need to go again, as it has been said. The question is not whether to close the parks, but how to accomplish this goal. Mr. Hansen said again in a letter to constituents on December 8th. The Nashville Journal, I believe, and we could name several sites which do not belong—the Park Service story covered vacation parks which were primarily open space preservation parks which are primarily recreationsites.

So obviously, that was said, all followed this emotion, and that suggested—

Mr. VENTO. Well, apart from the gentleman from Alaska, the chairman held a hearing which I attended at which we had a State senator from my State. The subject of the hearing was turning over

the parks and eliminating national parks in the State of Minnesota. Voyageurs National Park was one of the issues that was put on the agenda, along with other proposals here to do the same thing, so it just wasn't H.R. 260. It is what you actually did, Mr. Chairman.

Mr. YOUNG. We had the hearing because there was a request to have the hearing. The gentleman participated in the hearing. There was a great confrontation about that area and you know this is long going back.

Mr. VENTO. But it wasn't—

Mr. YOUNG. One thing we did, we went into your area and we gained for you—

Mr. VENTO. Well, I appreciate that.

The CHAIRMAN [continuing].—And you asked Mr. Hansen.

Mr. VENTO. Mr. Hansen was very gracious, but Mr. Chairman, if you want to know where the problems and ideas came from, you need to check your hearing records of hearings that you conducted—

Mr. YOUNG. And giving control to—

Mr. VENTO. And not just a narrow concept in the context of H.R. 260.

The CHAIRMAN [continuing].—What we said. Just look at the quotes. Just look at the quotes.

Mr. VENTO. So you—he denies it.

Mr. MILLER. So I'm going to suggest that if we can, I would like to see some of these parks transferred to the States and local counties.

Mr. YOUNG. And that's exactly right, because they do a better job. Is that a quote? Is that a quote?

Mr. MILLER. It's a big operation there.

Mr. YOUNG. And that is exactly right. They do a better job. Is that quoted? Is that an exact quote?

Mr. MILLER. Let the county decide whether to close the parks or not.

Mr. YOUNG. But of course, you like big government. I said that before. Mr. Williams.

Mr. WILLIAMS. Thank you. I am going to be brief, because I want to hear from our witness.

Mr. YOUNG. If you are brief, it'll be a miracle, but go ahead.

#### STATEMENT OF HON. PAT WILLIAMS, A U.S. REPRESENTATIVE FROM MONTANA

Mr. WILLIAMS. I have sat on this committee for 18 years and listened to Republican leaders condemn environmentalists. There are, without disagreement, significant differences on environmental matters, including the closing of national parks, between the Republican majority and this committee and in the Congress and the administration.

Everybody within earshot understand that. Now, Republicans can deny it, but they are reminding me of those little kids that Carol and I have had that are now grown and when one would be caught with his or her hand in the cookie jar, they would have 50 reasons, I didn't do it. I didn't do it and here is why I didn't.

I have sat here for 18 years and watched the Republicans try to get their hands in the environmental cookie jar. Now, they have been caught.

I yield back the balance time.

Mr. YOUNG. The gentleman from California, Mr. Doolittle.

Mr. DOOLITTLE. Mr. Chairman, I will reserve my comments.

Mr. YOUNG. The gentleman from—oh, where's grandma?

**STATEMENT OF HON. SAM GEJDENSON, A U.S.  
REPRESENTATIVE FROM CONNECTICUT**

Mr. GEJDENSON. Let me for one moment, Mr. Secretary, and I would disagree with the direction of the statement the gentleman from Montana formed in here. I don't think that there are differences between you and the Republicans so much as the Republicans and the American people.

The administration and the Democrats in Congress are with the American people in protecting forests, trying to make sure that the environment is protected, and frankly, I think there is some frustration on the other side, because the American people have responded so sharply to the assault on the environment.

We worked in this committee on an amendment that would have stripped from their legislation a provision that would allow the importation of ivory, of rhino horns and tiger spleens again. One of your environmental extremism today take endangered species and to allow their hides and importation of their parts again, it was almost a partisan vote. I can't remember a Republican on the other side who voted for an amendment that would have prevented ivory from being imported into the United States again.

Now, I think that part of the problem here is that the rhetoric on the other side is very appealing to a small number of people who feel the Federal Government has no right in protecting the taxpayers' assets. We see this in mining reform, we see this in dealing with the parks. These aren't just local assets; these are the assets of every American citizen and I want to commend you for protecting them on all our behalf, not just a miner or a farmer or a Governor that may want to do something else with them.

Mr. YOUNG. The gentleman from Oregon.

**STATEMENT OF HON. PETER A. DEFAZIO, A U.S.  
REPRESENTATIVE FROM OREGON**

Mr. DEFAZIO. Thank you, Mr. Chairman. Mr. Chairman, I wonder, this is the first time I have ever seen a witness list printed in red. I was wondering if there was any particular significance to that.

Mr. YOUNG. Well, we were going to print it in green, but that would be too much.

Mr. DEFAZIO. Mr. Chairman, I believe that the allegations and charges being raised by the majority are an attempt to raise a smoke screen of clean sell policies which were adopted in the early ardor of the contract which they now find are extraordinarily unpopular with the American people which go to the great wealth of the public resources in the United States of America, and whether or not those will be held in trust and treated with respect for all

people or whether they will be exploited into the pursuit of personal profits.

I think we will hear a lot of gnashing of teeth and crocodile tears today, and people will be actually shocked, shocked on the majority side that there are politics going on down in the Department of Interior.

We wondered what James Watt was all about, and I think that anything going on in this administration pales in comparison to the extraordinary excesses of that gentleman during his denied tenure. I yield back the floor.

Mr. YOUNG. The only thing I hope the good Secretary is to the left of James Watt, too. He also had—kids. The gentleman from California, Mr. Pombo.

Mr. POMBO. Thank you, Mr. Chairman. I would like to welcome the Secretary here and look forward to his testimony and asking him questions.

At this time, I would like to yield the balance of my time to Mr. Hansen.

Mr. CHAIRMAN. Yielded.

Mr. HANSEN. I appreciate the gentleman yielding. Now, we can play the game of who said what. As I said earlier, I would rather just forgive and forget and let us move on and try to do something productive. We have only tried that for about 2 years now, and haven't found that, and every time I notice my colleagues on the other side start talking about the bad record, none of them become very specific. They all speak in generalities.

However, there is only one park-closing proposal, and that came from the Clinton administration. In fact, it was in President Clinton's budget proposal. He wants to close the George Washington Parkway, the Baltimore-Washington Parkway; that's why there's a proposal.

I wish somebody would step forward and carry the water for them. That has been the only real, written-down proposal, regardless of what closed and went about so far. It has been straight from the Clinton administration, nothing from our side.

I appreciate the gentleman from California yielding.

Mr. YOUNG. The gentleman from American Samoa.

#### **STATEMENT OF HON. ENI FALEOMAVAEGA, A U.S. DELEGATE FROM AMERICAN SAMOA**

Mr. FALEOMAVAEGA. Mr. Chairman, I would like to, as the ranking Democrat on the Subcommittee on Native American and Insular Affairs, offer my personal welcome to you, Mr. Secretary, and despite the budget constraints and the efforts that have been made by the administration, certainly through your office, for your sensitivity to the problems facing Native Americans, as well as our fellow Americans living in the insular areas. I offer my commendation for all you have done, for the fact that you have alleviated some of the serious social and economic problems affecting our citizenry in insular areas.

More important, also, there are still some issues pending that I look forward to working with you, Mr. Secretary, and members of your staff on issues affecting our Native American community as

well as these matters that I commend you for, for all the help that you've given in this administration.

Thank you, Mr. Chairman.

Mr. YOUNG. The gentleman from Massachusetts, Mr. Torkildsen.

**STATEMENT OF HON. PETER TORKILDSEN, A U.S.  
REPRESENTATIVE FROM MASSACHUSETTS**

Mr. TORKILDSEN. Thank you, Mr. Chairman. Just very briefly, I welcome the Secretary here today. We have obviously many points to discuss about our environment. I would like to single out the work that was done with the Colorado River, and there are other areas that I could point to as well.

I would just say in a general way that I would hope that we could get back to a bipartisan approach on these issues. I think that is where we have done our best environmental work in this country, and that is the approach that we have to take to protect the environment in the future.

I would like to——

Mr. TAUZIN. Would the gentleman yield?

Mr. TORKILDSEN [continuing].—Include a longer statement. I would be happy to yield to the gentleman from Louisiana.

**STATEMENT OF HON. BILLY TAUZIN, A U.S. REPRESENTATIVE  
FROM LOUISIANA**

Mr. TAUZIN. Thank you for yielding. I asked you to yield only to correct the record a bit.

We did do a lot of good bipartisan work earlier in this Congress. If the American public repudiated that work, they are probably right, but if you take a poll and go check with the American public, they believe there ought to be a balance, and maybe Democrats voted with the property right bill that went through this House and now it's in the Senate, and we are told it is going to get vetoed, so it is not moving.

When we did in cost benefit-risk analysis legislation, a broad majority of Americans supported that and do now. Many Democrats voted for it, and—70–80 members, I think.

The same thing happened when we did weapons reform. A lot of member Democrats supported it, the efforts to classify weapons so we can identify the ones which need the most protection, and identify those that have no cultural value and indeed, target the ones that deserve and are entitled to maximum levels of protection.

We had that type of bipartisan support earlier in this Congress. I wish we could find it again, but to say that the American public is repudiating that is not correct. Go and check the record.

Mr. TORKILDSEN. If I could reclaim my time, I am not repudiating anyone's sincerity at all. The effort that has gone on, I think, has probably been stymied because it has not been a bipartisan movement.

Some of the issues you mentioned, I agree with and some, I disagree with, but to get any issue to fruition, I think we do need bipartisan support but not asking the person about anyone's vote; I just think that we need to get back to a bipartisan approach to actually make the changes we need to make in the law and get them

in practice now, and if you wish to make a longer or written statement, Mr. Chairman, I yield back my time.

Mr. YOUNG. The gentleman from New Mexico, Mr. Richardson.

Mr. RICHARDSON. I would ask the gentleman from Hawaii, do you object if I recognize Mr. Hansen, but if you want to be recognized first, you are up next. Do whatever you want to do.

Mr. ABERCROMBIE. I would much prefer that you recognize Mr. Richardson, because I am honored to be in the same room as he.

Mr. YOUNG. Go ahead, Mr. Richardson.

**STATEMENT OF HON. BILL RICHARDSON, A U.S.  
REPRESENTATIVE FROM NEW MEXICO**

Mr. RICHARDSON. Mr. Chairman, I am here to flatly state that I think that this is one of the best Secretaries of the Interior we have had.

Let me say that he has tried to come forth with balanced approaches on grazing, public parks, and on a variety of public lands issues. I would just like to make one point. I understand a reference was made to H.R. 260, the parks closure bill, and I think we have to move on with this issue, but let the record show that it was a bipartisan group that—

Mr. HEFLEY. Mr. Chairman, I object to that to any reference to that as a park closure bill, and even Mr. Roger Kennedy indicated that that was not a park closure bill, and you perpetuate that line, and I don't—

Mr. RICHARDSON. I don't believe I yielded to you. Did I yield to you? Is there—

Mr. HEFLEY. I think—

Mr. YOUNG. It is his time.

Mr. RICHARDSON. Mr. Chairman—

Mr. YOUNG. I would remind the gentleman though that we are trying to speed this along, and I did recognize you.

Mr. RICHARDSON. I think some assertions have been made that the Secretary politicizes process when that is not the case. What we had was a bipartisan group of Members in the House of Representatives reject this approach, and it was an approach, in my judgment, that was not in the bipartisan interest of this committee.

It came out of this committee very divided, and I think to accuse the Secretary of being wrong for defending the national parks, to accuse the Secretary, a man who has gone out and probably visited and supported most of our parks more than any Interior Secretary, I think it is wrong, and I fully intend to make this statement in a spirit of moving on and trying to achieve some ways that we can finance our parks through fees and concessions and not through ways that denigrate, in my judgment, our parks.

Mr. Chairman, I stand behind what I said, and if the gentleman from Colorado, I would be pleased to yield to him. I do think we need to move on on this issue.

**STATEMENT OF HON. JOEL HEFLEY, A U.S. REPRESENTATIVE  
FROM COLORADO**

Mr. HEFLEY. I think I have made my point, Mr. Richardson. As I said all the time, the characterization of H.R. 260 as a park closure bill [deleted]. It is not being truthful; it is not being honest;



and everyone, including the director of the National Park Service testified before our committee right here, it is on the record, said that there was nothing in H.R. 260 that would close a single park, so if we continue to characterize it as the park closure bill, it seems to me it is trying to politicize it on your part, and that was the point I was trying to make.

Mr. RICHARDSON. Mr. Chairman, apparently my effort to be bipartisan has been stifled, and the gentleman has used the word [deleted], and I wondered what is appropriate here in terms of taking the words down.

Mr. YOUNG. In this case, there is a difference of opinion what was told and what was not told, and I am going to rule at this time that all other opening statements are not allowed, have to manage instead for that so we can proceed to the witness.

Mr. MARKEY. Objection.

Mr. YOUNG. Mr. Deal, you are next.

Mr. DEAL. Oh, I thought there were no opening statements.

Mr. YOUNG. No, I thought I ought to do, if they object so—

Mr. DEAL. I have no opening statement.

Mr. YOUNG. Thank you. The gentleman from Arizona, Mr. Laven—Mr. Hayworth. On the committee, I have a J.D. Laven so I got a J.D. Hayworth.

#### **STATEMENT OF HON. J.D. HAYWORTH, A U.S. REPRESENTATIVE FROM ARIZONA**

Mr. HAYWORTH. I appreciate that, and perhaps we may be making a grievous understatement that in this 104th Congress, there is a considerable difference of opinion as to what may be politically charged dialog. To be diplomatic, some folks believe they are drawing contrasts. Others of us have heard what tends to resemble playground taunts that we thought were left behind in our youth.

I indeed second with my colleague from Massachusetts that our working grow positive and in that light, Governor, when you get a chance to visit there are questions as we have dealt with, ESA challenges in our home State, some areas offer some challenges dealing with Indian trust funds.

I hope you will have a chance to comment on something we touched on in this room that I believe perhaps in the heat of the moment again be diplomatic and to give you the benefit of the doubt, is quite disturbing. I think that giving these remarks in another instance of how or what happened, and I am quoting from your speech as the transcript of the hearing in the Arizona Republic, "because what we have here is a sneak attack. This is a conspiracy to contend in silence with this, the most effective sneak attack on the American people since the days of Pearl Harbor. They are coming out here, never once mentioning the word environment."

Good people may disagree. Sometimes within the heat of the political dynamics, an element of drama comes into play to try and illustrate differences, but I would hope again, Mr. Secretary, and the Governors we have a chance to visit that we can move to address this, because it is my intent that even though people may have some fundamental disagreements, no one is served by comparing well-meaning Americans who may differ in opinion with

those who launched a hostile attack that led our entry into World War II.

To be fair to the Governor in his response, the western caucus said to me, you know how this game is played. Let me simply say that this is not a game. It is a competition of ideas and philosophies, and accordingly, I welcome the chance, Mr. Chairman, to visit it with my former Governor and the current Secretary of the Interior to move toward constructive solutions rather than the playground taunts that have so often characterized—

Mr. GEJDENSON. Would the gentleman yield?

Mr. HAYWORTH. Just one moment.

Mr. GEJDENSON. I think there are excesses on both sides, and I think back that you may have even participated in some of those, although I am sure you didn't see it that way, but when the majority whip calls the EPA the Gestapo, I think we all do some of that, but I think that here what you have is, there is a real difference. A large majority of the members on your side fundamentally disagree with the Federal Government's role in protecting what many of us see as national assets.

That is a real difference, and we ought not to try to brush it over.

Mr. HAYWORTH. Reclaiming my time. I would never champion the notion of brushing over differences in philosophy. Indeed, I would champion the fact that in an open airing and discussion and debate, different philosophies, different approaches can be brought to mind.

Now, just to comment on my friend from Connecticut and his statement about national assets, I don't believe anyone would dispute that fact, but there is a difference of philosophy. Since history does not occur in a vacuum, there is the fact that there has been a replication at the State level of many of the duties currently overseen by the Environmental Protection Agency.

There is the fact that many local jurisdictions want to deal with problems as they see effective. It is a fact that Phoenix is not the same as Philadelphia, nor is Flagstaff the same as Fargo, North Dakota, and that local solutions might be preferred, not in an assault on the environment, but in a better, more effective way to deal with problems.

I welcome the debate and I welcome the fact that the Governor is here today. I look forward to a competition of ideas and perhaps a relaxation of these fireworks. I thank the Chairman, and again, I thank you, Governor, for being here.

Mr. YOUNG. The gentleman from Massachusetts.

#### **STATEMENT OF HON. GERRY STUDDS, A U.S. REPRESENTATIVE FROM MASSACHUSETTS**

Mr. STUDDS. Mr. Secretary, when we are finished up here, you can feel free to ask us any questions that you may have.

I don't suppose it would be in order for me to yield my time to the Secretary of the Interior, would it, Mr. Chairman?

Mr. YOUNG. Not at this time. I will ask unanimous consent again though that all opening statements be discontinued.

Mr. MARKEY. Objection.

Mr. YOUNG. Mr. Markey objects. Would it help you out, Mr. Markey, if I allow you to speak? Would you object after that?

Mr. MARKEY. Assuming that all of the other members—

Mr. YOUNG. Well, no one else objects. Nobody else is objecting. If that is the deal, just so we can get to the witness, we will let you go. I know grandma has got to get here sooner or later, so if you would like to have your 5 minutes now, if nobody else objects—anybody else have any problems with that?

All right, Mr. Markey. Does anybody else want to be heard? Do you want to be heard?

Mr. KENNEDY. I don't need to be heard. Everyone else would like to get to the Secretary of the Interior.

Mr. YOUNG. We would like to go to the Secretary, because we are going to go back into session at 2:30, and we would like to get this started if we could.

Mr. Markey, you are indeed the top opening—last opening statement at this time. Mr. Markey, you are on.

Mr. MARKEY. Thank you, Mr. Chairman.

Mr. YOUNG. You are quite welcome.

#### **STATEMENT OF HON. EDWARD J. MARKEY, A U.S. REPRESENTATIVE FROM MASSACHUSETTS**

Mr. MARKEY. For your traditional graciousness, thank you, and for your hospitality to the minority.

I think that Bruce Babbitt is going to go down in history as one of the great Secretaries of Interior in the 20th Century. He will be amongst the small number that are placed in that pantheon when they chronicle the 20th Century.

I think that his commitment, preserving the legacy and enhancing it so that it can be passed on to future generations will be one that is recognized.

I think that while we can try for the purposes of a very short-term, meaning this afternoon, a comity amongst those who are sitting here. We can try to pretend that there is not an assault upon the environment which has been launched over the last year and a half in this country, but if we would only for this brief meeting not give false assurances to the American public that might read tomorrow's stories that this assault has not been taking place, and that there is not a plan in place to continue it into the years ahead.

Now, I think that the Secretary has done a very good job. He has tried his best to balance the interests of all concerned. He wants to increase spending on national parks including the Everglades, on Indian health education, and other interests of that nature. He wants to enhance the national wildlife reference system including the programs to enhance fisheries. That is a good idea. More money should be spent over there.

But on the other hand, USGS and the Bureau of Indian Affairs and the Bureau of Mines and some of these other areas should be looked at as well so that overall, we have a balanced spending program, one that, by the way, is very modest in terms of additional spending, very modest indeed, but tying in any of those things that have to be preserved, protected, and enhanced.

The issues that we have before us are very partisan indeed. There is no more polarized committee in Congress than this one. For better or worse, there is none, and I think that we should be cognizant of that.

I happen to serve on the Commerce Committee and I know that the EPA on the Commerce Committee is characterized as the Gestapo as they try to protect the environment. Nothing can be further from the truth.

We are doing Superfund legislation over in the Commerce Committee right now. That is an assault on every community in America that has a toxic waste site. Even as recently as 2 weeks ago on this committee, we were talking about and still support, I suppose, from the majority perspective, taking away the golden age pass for senior citizens to be able to get into national parks.

Again, I think we look at mining subsidies; I think we look at timber subsidies; I think we look at grazing subsidies before we look to grants modifying the money to deal with the improper expenditures that are made relating to public lands.

Now, you can have a different perspective on that, but I think that is the right way to go, and I think that grandma and grandpa want to balance the budget. They want the government to live within its means, but they want it to be done fairly, and increasingly, it is the large interests who continue to advocate for a balanced budget but not having them be touched.

I think that balance is what is needed, and what instead we are seeing is ideology in the process, so instead of sham mining reform, failure to go after the timber and oil and gas exploration and the subsidies, logging subsidies, we instead continue to characterize this as some kind of reasonable debate among reasonable people.

That is not the case. There is an all-out assault, and I think that as long as it is characterized in that fashion, then it is fair for the American people to decide how they want this to be resolved in the election.

As far as I am concerned, the Secretary of Interior has tried to go right down the middle. That is what his budget does. It splits the differences. It tries to be fair. It increases where it makes sense and reduces where it doesn't make sense, and I think he should be congratulated for that, and if today is going to be the beginning of a new era of bipartisanship, we will be able to tell that by the questions that are asked by the majority for the rest of this afternoon. If this new day of bipartisanship is to begin, then let us judge by the character and the tone of the questions posed by the majority here this afternoon.

I yield back the balance of my time.

Mr. YOUNG. I want to thank the gentleman, and I would have been terribly disappointed and you did not disappoint me.

The gentleman from California, Mr. Miller, and the reason we are doing this is because Mr. Miller and I will be on our way over to the floor for a little opening discussion on another piece of legislation, and we have worked this out.

I hope nobody disagrees, but I am going to let Mr. Tauzin take the chair and he will continue this as we go through the process.

Mr. Miller.

#### STATEMENT OF HON. GEORGE MILLER, A U.S. REPRESENTATIVE FROM CALIFORNIA

Mr. MILLER. I thank the Chairman. I will just try to be quick, but I want to say that I think Mr. Markey is correct, and I think

J.D. is correct also that we ought not to try to paper over some very fundamental differences that we have in this committee and that apparently we have in this country.

I want to say, Mr. Secretary, that you will review your budget and your activities with this committee the rest of the afternoon, but I think that you have done a remarkable job in not accepting the status quo. You have done a remarkable job with the number of issues that were handed to this administration where they were in complete and total disarray, as we saw in the Northwest.

That doesn't mean that you have done everything right or that everything has worked out the way we had hoped that it would, but the fact of the matter is, you have grabbed the bull by the horns in a number of areas where the status quo was simply unacceptable to the American people. That was true of grazing fees and that continues to be true today.

It is not because you didn't try. It is because of the fact that the western senators were able to put together a coalition to stop you.

That was true of the giveaway of lands to mining, where you have had to hand over billions of dollars of potential revenues to private companies, foreign companies, domestic companies, and received essentially nothing for the American taxpayer.

That is true where you have tried to make the forest sustainable so they would not only be here for this generation, for this timber harvest, but in the future, and you have also yielded to the fact that multiple use truly means multiple use, and you don't get the forest just to harvest the timber. You don't get the lands just to mine the lands. You don't get the water just to grow alfalfa.

It belongs to more interests than that. It belongs to the people of this county and you have tried to broker those.

In my own State, you ran out ahead of some very serious endangered specie problems to try and put together the parties that could provide the solutions to those parties in advance of listings, and again, not all of that has worked out perfectly, but the effort has, in fact, been made.

You have done that, and within the middle of this effort, we saw a sea change in this Congress, and the day after the election, there was a lot of bravado about closing parks. The day after the election, there was a lot of bravado about getting rid of the Endangered Species Act, and the day after the election, there was a lot of bravado about the workings of the committee about getting rid of the Clean Water Act and the Safe Drinking Water Act and Superfund.

Well, a lot of that bravado was hidden, because as somebody pointed out and I quote, "It was never suggested in the Contract on America that this was about the environment," but when things slowed down in the Senate, the American public had a chance to see it, and they in fact saw it for what it was. They saw the most comprehensive, systematic assault on the basic fundamental environmental laws of this nation, and that turned out to be unacceptable to them, and what we are now seeing is a lot of revisionist history about what will or will not happen with some of these initial plans.

I think we should be incredibly encouraged when we see what you are struggling to do with the budget you have been given, and with what this administration has done. So far, this President is

the only president that has reduced the budget during the time that I have been in Congress, the deficit. He is the only one that has taken the actions necessary to do that. Everyone else has been long on rhetoric, but at the same time, I think what you will present, as I read your statement to this committee this afternoon, you are going to present a very balanced plan of trying to respond to what is being demanded of your agency by people in the local areas; by people in the Northwest that the salmon not be eradicated; that the forests not be denuded by people in the Everglades who now understand what one power structure was able to do to another with respect to water supply; by the people in the Sierras, where we looked forward to the first comprehensive review of that resource to the 30 million people in California.

Those are local demands. You have watched your own State where water was destined for one purpose, and today, it is an entirely different purpose, and yet comity has changed dramatically. And that is true of the neighboring State of Nevada and the neighboring State of California. What we see is the fact that your agency is having to respond to an array of competing interests.

For people here who keep thinking this is all talked down, I guess they are not listening to the constituents, because it is the constituents out there who are putting the pressure on between the competing use on grazing lands, between the competing uses on forests, between the competing uses for water and what have you.

That is what is happening out there in the west. The west is filling up with people, and I think you are to be commended, but commending you won't make your job easier. It won't make it any easier at all.

The fact of the matter is, I think you have got it right. You have got it right in terms of the priorities of the people of this nation. You may not have it right in terms of the priorities of the special interests, because what we witnessed over the last 16 months is the most incredible, incredible remodeling and attempt to gut basic protections of the people, whether it is health and safety or environmental protection that we have ever witnessed.

This has historically been—my light hasn't gone red yet—this has historically been a bipartisan effort, the protection of the environment. The last 16 months was the first time we saw it break down into a solo partisan effort, and now, I think we are going back to more of a bipartisan effort as some discover that they are so far out of sync with the American people, both their demands, their concerns and their desires.

Thank you, Mr. Secretary, for being here this afternoon.

Mr. YOUNG. Mr. Secretary, I apologize for the length of these opening statements. May I remind the rest of the subcommittee chairmen though that are here that I do have a bill on the floor. It is not that I don't want to hear what you have to say, Mr. Secretary.

You will have another opportunity at a later date and we will be talking about other subjects than what we are talking about today.

This is on the budget, the amount of money asked, what programs it is being asked for, and with that, Mr. Secretary, it is hard not to respond to Mr. Miller, but I have been in this business 24 years. I have sat in this chair with him 18 years, and I know very

frankly that nothing is gained when very frankly, he is not going to change his mind and he hasn't changed my mind.

So with those words, Mr. Secretary, welcome to this hearing. It will go on until we are finished.

Mr. Secretary, you are up.

# **STATEMENT OF BRUCE BABBITT, SECRETARY, DEPARTMENT OF THE INTERIOR**

Mr. BABBITT. Mr. Chairman, thank you for this harmonious prelude.

I have submitted a written statement, and rather than rescripting all of that, I will just offer it for the record and see if I can summarize for you the important points in the President's budget proposal for fiscal 1997.

The portion of the Interior budget which is subject to the jurisdiction of the Interior Appropriations Subcommittee is \$6.5 billion, excluding the reclamation, a piece of the budget. The budget overall represents a \$468 million increase.

Now, I think it is important to place that in context, because that increase is still a lower amount than we had back in 1994. That is just to make the point when you average out over the 3 years, this is an essentially flat budget, were you to grant the President's request. That is the nature of the times, a reflection of the austerity that we all recognize to be a part of our working reality.

Now, this budget running flat over 1993, 1994, 1995, 1996, 1997 has obviously taken us to some major reorganizations and personnel reductions in the department. I think the most significant illustration of that is that the FTE level of the Department of the Interior between 1993 and 1997 that has been reduced by 7,800 positions. A disproportionate amount of that has come out of the central offices of all of the agencies which have been reduced across the board on an average of 26 percent.

Looking at the budget just in brief, I would point out several areas that I think merit us to conserve. First, I would like to talk about some of the genuinely successful partnership efforts that we would opine are across the nation.

No. 1 would be the Everglades. You will see in this budget a request for \$156 million for land acquisition, scientific work and water delivery projects in the Florida Everglades. The important thing about that request is that it reflects an extraordinary consensus that has developed across the State of Florida and was backed up by an exceptional commitment to cost-sharing. The State of Florida and the South Florida Water Management District are putting up across the life of this restoration project on a continuing basis an average of one-third to one-half of the restoration costs.

I believe this restoration effort extending from the headwaters of the Kissimmee River through Lake Okechobee, across the Everglades and into Florida Bay is a vision of the future, what can be done by parties working together, and I certainly commend this to your attention. I think it is a great success story.

The President's Forest Plan in the Northwest is again in the budget. The Interior share of the Forest Plan which we project in 1997 for doing endangered species clearance, habitat conservation plans, sale preparations, sales, related restoration work, is approxi-

mately \$79 million. The important thing to remember with respect to the Forest Plan is that even in the midst of the controversy over the green timber cuts that have been mandated by the salvage watch; the important thing to remember is that the plan is moving forward.

The Bureau of Land Management is meeting its timber sale targets, and we have been extraordinarily successful in putting together these innovative new partnership habitat conservation plans across the entire Pacific Northwest.

We have included in them a number of timber companies, AmeriPacific, are close to closure with Weyerhaeuser, Plum Creek in Washington. We now have habitat conservation plans working in the State of Oregon and the State of Washington, and I believe that the Forest Plan is in fact unfolding and with your continuing help on the appropriations cycle, we can continue.

I would like to talk more generally about the emergence of the habitat conservation planning process, because I believe that the habitat conservation plans, the partnerships they embody, and the concept and consensus based negotiated approaches to resolving endangered species issues are at the very center of much of the administrative work we are doing and certainly pose in my judgment a model and a template from which to begin considering the revision of the Endangered Species Act.

I would invite you to look in our budget, that in addition to the successes in the Pacific Northwest, it includes an unheralded powerful emerging story in the southern United States. With the long leaf pine forests in the 11 States in the South and Southeast, we have brought to fruition habitat conservation plans which have completely avoided the train wreck that took place in the Pacific Northwest. There has been virtually no litigation. We have closed one major plan with the Georgia Pacific Company, Potlatch Forest Group, Hancock Resources, International Paper, the State of Georgia, developers using the safe harbor concept, with North Carolina, and I think it pointed a clear pathway for how the Endangered Species Act could work. There was much timber cut along the pine forests in the south as there is in the Pacific Northwest. The Endangered Species Act worked, and had this process been in place in the Pacific Northwest 10 years ago, we could have avoided the train wreck, that we are now, I think with some success at last after a lot of difficulty, working our way out of.

I will be in Austin, Texas, next week to sign with Aconies the conservation plan which we have been working on for the last 3 years, with the enthusiastic participation of the real estate industry, the environmentalists, the local governments in Travis County, and specifically, the city of Austin. We also have some requests reflected in the budget for the continuation of the habitat conservation planning process in southern California.

I call these to your attention because they illustrate the extraordinary flexibility that I believe to be inherent in the Endangered Species Act. California has a fluent Endangered Species Act. That has enabled me as Secretary to use what is known as rule 4(d) to delegate the administration of the Endangered Species Act directly to the California resources agency, which in turn is working with the counties in Southern California and the San Diego city council



which under the strong, effective leadership of a Republican mayor, voted unanimously to confirm its part of this habitat planning process. The Orange County supervisors, Orange County, not exactly a hotbed of liberalism, voted unanimously last week to confirm their habitat conservation plans. I point these out because I think that they show an important pathway for how it is to make these laws work.

Briefly, a word about the issues with the land management agencies. We have requested an increase of approximately \$90 million for the National Park Service. That begins with an across-the-board 3 percent for each of the parks and selected increases in construction accounts and resource management and other efforts.

I would say with at least some sense of hope that I think we may be seeing an emerging consensus on these issues of fees, concessions, and an expanded role for the National Park Foundation, expanded contract authority, innovative housing and finance. There is a package of concepts that we must put together to provide a broader based support in the user and private sector for the national park system, and I genuinely hope that we can move in that direction.

For the Fish and Wildlife Service, I am requesting a \$55 million increase in the budget. Something more than half of that goes to the Endangered Species Act.

Now, I commend your attention to those budget issues for this reason. I recognize that we are going to have a debate about reauthorization of the Act. In the meantime, it is important to keep working on those areas where we can make progress, the candidate conservation programs. We have a lot of things going here where we can actually avoid getting to listing by using the flexibility of the act to delegate management to approved State plans. We are doing that with the Bull Trout in Montana and the Pacific Northwest. We are looking at some emerging issues in the State of Texas, but we need to continue these, because they will help us avoid a crisis.

The section 7 consultation must go on. That means expediting projects in sister government agencies. Recovery plans should in fact be funded.

Included in the budget is a re-institution of the money for the listing program. The reason for that is that I believe that if we work together, we ought to be able to get rid of the moratorium and get a re-authorization done and anticipate that in the budget.

The Bureau of Indian Affairs has been discussed in some of the preliminary discussions here. I would implore both sides and all committees to listen carefully to the arguments here, because last year's budget was a deep injustice to the Indian tribes of this country. It really was not a reasonable approach. We fell \$200 million below the 1995 mark, and those funds are coming directly out of what is known as tribal priority allocations which support the core functions of tribal governments and out of education.

If I might just on a personal note say that we cannot justify that lack of attention to our Native American tribes, and my budget request has an increase of \$211 million to move us back to approximately the 1995 level.

There are two other issues I think that bear just a few words. We have been working very intensively at the changes in science in the Department. Now, I believe that good science is a crucial tool to finding common ground, and I would cite to you one example which you saw on national television just a few weeks ago, the controlled flood release at Glen Canyon dam. The reason that was such an astonishing success is because it was preceded by 10 years of monitoring, model building, measuring in which the USGS built a hydrologic model based on sediment balances in that basin with a result that was better than we anticipated. We ran the flood for a week. The beach rebuilding was done in the first 40 hours of that release. It went according to the model and I cite that just to say there is real power in good science.

Now, the issue that we are working on with the appropriation committees and all the interested parties is to merge into the United States Geological Survey the mineral resource science pieces that were retained after the abolition of the Bureau of Mines and to merge in pursuant to the committee reports a biological research function which was formerly the National Biological Service.

We are on time and we are on track working with the committees very carefully, and I simply commend that to your attention.

Last is the Elwha Dam, on the Elwha River. It is actually two dams, Elwha and Glines Canyon on the Elwha River on the borders of the Olympic National Park. There is a request in this budget for \$111 million in budget authority for the purchase and removal of those two dams. The preliminary environmental study was completed some months ago, and it is my recommendation, pursuant to the 1992 legislation, that it is cost-effective and appropriate to restore the Elwha River with the removal of those dams.

We ask for budget authority at the instance of the Office of Management and Budget, even though they are not requesting outlay authority for this year, because we need to finish the final environmental impact statement.

I think the Elwha River poses an opportunity kind of like what we did on the Colorado River, an enormous restoration effort with very little offsetting loss of power at a modest cost and a certain chance of success.

Thank you very much.

[The prepared statement of Bruce Babbitt may be found at end of hearing.]

Mr. TAUZIN. Thank you, Mr. Secretary. First of all, let me tell you that we appreciate your enduring that initial round and I assure you, we are going to try to conduct the rest of the meeting in an amicable fashion, recognizing, as it was pointed out, we have differences of opinion, but we are going to try to discuss them as civilly as we can.

Let me first ask permission of the members to engage the Secretary in a series of questions that the Chairman wants to be asked, and then we will recognize members in the order, going back and forth.

Mr. Secretary, the Chairman is interested in knowing when do you plan to send to this committee the administration's proposal for legislation to re-authorize the Endangered Species Act?

Mr. BABBITT. Mr. Chairman, last year, I sent to the Committee a rather detailed set of the ten principles that I believe should guide the reauthorization of the Act. It is my intention to stand on those ten principles as our position on reauthorization of the Act, and I would be happy and I intend to work with the committees as much as you wish.

Mr. TAUZIN. So the answer is that you are not going to actually send a draft for reauthorization?

Mr. BABBITT. That is correct.

Mr. TAUZIN. Second, the Chairman is interested in knowing what authority you have in exempting private property owners from the ESA.

You have apparently exempted owners of five acres or less. Where does that authority lie? Why haven't we exempted 40 acres or 100 acres? Exactly what is happening here?

Mr. BABBITT. Mr. Chairman, if you read the Endangered Species Act, it doesn't say anything about small landowners and it doesn't say anything about five acres.

This notion that if there isn't that much detail, you shouldn't do it, is precisely the reason that there has been so much contention under the Endangered Species Act over the last 20 years. There has been a failure to exercise discretion, imagination, and flexibility which I believe is ample within the scope of the Act.

Mr. TAUZIN. Could you exempt more acreage than five acres? Where does the authority come from in the Act, I think he really wants to know?

Mr. BABBITT. Mr. Tauzin, the Act requires that we construct recovery plans which will assure the recovery of the species, and it gives us a number of tools to do that, for example, the habitat conservation plans in Section 10.

It requires that there be a biological rationale for construction of these plans. Now, let me give you a couple of examples on coming straight to an answer.

In the Pacific Northwest, we have now succeeded in exempting woodlot owners of 80 acres or less. We have kicked them out in about 90 percent of the Northwest.

There is nothing in the Endangered Species Act which says 80 acres, but we sat down and said to what extent can we fairly do a viability analysis, our recovery planning, and the biology in a way that lists the compliance for small landowners and puts it where it ought to be, on large landowners, and the answer is, we could do that consistent with an 80-acre exemption in the Pacific Northwest.

Mr. TAUZIN. Well, I think you see what the Chairman is getting at, and that is that if one landowner may love to have an exemption, but you decide to make it 5 instead or 6 or 80 instead of 90, where is the language in the law that says we have the right to do that administratively as opposed to a legislative problem?

Mr. BABBITT. Mr. Chairman, I believe the authority is there, so I believe that our obligation under the Act is to ensure the survival of a species, and we exempt land under section 10; we exempt land under section 7. We have exempted land in the Northwest, but five acres is a judgment that we can in almost every circumstance release owners of five acres or less. I believe that it is absolutely the

thing to do. The only thing that I don't understand is why it wasn't done 20 years ago.

Ninety percent of the homeowners in the United States live on five acres or less.

Mr. TAUZIN. It might be——

Mr. BABBITT. May I finish?

Mr. TAUZIN. Yes, but I have to try to get all these question in. I am sorry, sir.

Mr. BABBITT. OK, but I think it is a very important point. I think the Act places upon me an obligation to try to make it work, to minimize the friction and the difficulty and to have a sense of proportion about this, to say to people in the south that Georgia Pacific Company, with 6 million acres of land, can and will readily afford lawyers, biologists to draw up these plans——

Mr. TAUZIN. Mr. Secretary, look, we are about to run out of the 5 minutes. I have to recognize a lot of people. I don't know how much time you are going to give us.

Let me suggest that for the Chairman's purpose that if your staff could submit whatever language is in the Act, where you draw that authority, it would be very helpful to get an answer.

Let me ask one final——

Mr. BABBITT. Mr. Tauzin, if I may——

Mr. TAUZIN. The time is going to end on me in just a second.

You indicated in your testimony that you prepared or you are ready to list on 238 new species under the Endangered Species Act. If the moratorium is lifted as we hear it may be in the 1996 spending bill for the Department, can you give us an idea when those species would be listed?

Mr. BABBITT. Mr. Tauzin, I would like to go back if I may to this other issue, because I think it is extraordinarily important and it bears some elaboration.

There is no language in the Endangered Species Act which says five acres. There is, I think, authority for administrators to use common sense and to say in those cases where we can construct a habitat conservation plan that has sufficient margins that we can relieve that burden on small landowners, but that is a rational decision that is manifestly in the common interest.

What this says is that——

Mr. TAUZIN. Mr. Secretary, the Chairman——

Mr. BABBITT. Please let me finish.

Mr. TAUZIN [continuing].—Is not arguing with you about policies. He is simply asking where the authority lies, and if you could have your staff submit whatever language you think gives you that discretion so we can examine it with an explanation of why that language, in your opinion, dictates that discretion.

Mr. BABBITT. Well, Mr. Tauzin, I would in response submit to you a copy of the Endangered Species Act which establishes that it is my obligation to use sound, biological science to construct a recovery plan that is sufficient to protect that species.

Mr. TAUZIN. I will leave it to the Chairman to write a direct request for it, then.

Would you please answer the last question you had? When do you intend to list the 238 species that you say are ready for listing?

Mr. BABBITT. Well, obviously, I can't answer that, because I can't list them as long as the moratorium is in effect.

Mr. TAUZIN. I am sorry. You said you cannot?

Mr. BABBITT. As long as the moratorium is in effect, the answer is that I can't list them.

Mr. TAUZIN. The question is, assuming the moratorium is lifted today or tomorrow, whenever we get a final agreement and it looks like that may happen, when that moratorium is lifted, how long does it take you then to list those 238 species?

Mr. BABBITT. Well, the next question is whether or not there is funding to do the job. We have generally been short on funds and a number of those that were undertaken in any time period would obviously be a function of the level of funding under the category that I talked about in my opening statement.

Mr. TAUZIN. Mr. Vento.

Mr. VENTO. Mr. Chairman, thank you. Mr. Secretary, I welcome you and want to give you my kudos for the work that you have been doing. I generally agree with that and in, obviously, the intramural debate that we were having there.

Mr. Secretary, under the Administrative Procedure Act, you are actively filing rules with regards to the modifications and changes you made in the administration of the Endangered Species Act, is that correct, including this five-acre exemption that you have put in the light of common sense. Is that correct?

Mr. BABBITT. Mr. Vento, we have used the administrative process to lay out a rather extensive list of administrative policies. The five-acre exemption is an example, and the small woodlot owner exemption; the Pacific Northwest is another one. Yet another one would be the safe harbor provision which provides affirmative incentive for landowners to manage habitat by saying that for example, in North Carolina, if you manage habitat to attract Red Cockaded Woodpeckers, and you subsequently change your mind and decide you want to put the land into development, under one of these agreements, your sole obligation is to give sufficient notice to the Fish and Wildlife Service to come and remove the woodpeckers.

We have pioneered the use of these multispecies concepts, particularly with the Governor's office and the State resource agencies in California, to name just a few.

Mr. VENTO. Mr. Secretary, I commend you. I think this is the way that we needed to go. In fact, I think we preferred to get in 1992.

In late 1992, the Secretary of Interior, that was Secretary Lujan in the Bush administration, did come to an agreement with a number of conservation groups that had been protesting the fact that many species of plants and animals had not been listed at that time and then agreed to, in fact, the implementation and the adoption of the recognition and frequency of a number of species for endangered species/threatened species type of status.

You were obviously handed that particular responsibility. That has necessitated a significant number of species being placed in that particular category, and the attendant expenses, is that correct, which your budget today reflects? In other words, reflecting that need for the delay that has occurred now that occurred in the

period of the early 1990's, is that correct? Your budget reflects the obviously full implementation of the responsibility under existing law with the types of administrative procedure changes that you have made, is that correct?

Mr. BABBITT. Certainly, and there was an enormous backlog as a result of that sort of midnight settlement in the last administration.

Mr. VENTO. And Mr. Secretary, your budget further reflects that when you answered the question for the Chairman put by our colleague, Mr. Tauzin, that you expect a significant amount of work to be done in collaboration as you have indicated in the case of California, and as you have come to other habitat agreements with other areas, such as the one in Travis County, Texas. Is that correct? Those agreements do, in other words, share—it is a shared responsibility. We cannot tell, in our State, for instance, I believe that you worked with our department of natural resources in Minnesota on the species, where they take a significant responsibility with the Fish and Wildlife Service under your direction and in fact, carry out responsibilities for the Endangered Species Act. Is that correct?

Mr. BABBITT. I think there is an important point there, which I don't want to miss, and that is that in the past, there has been a tendency to do these things one species at a time. I don't think that is the proper model, and just to give you an example, a multispecies conservation plan was approved unanimously by the San Diego City Council last night, which covers, if my memory serves me, 87 species.

I think we need to be clear about all these numbers. Now, you may ask why does it cover 87 species, and the answer is that the city and county of San Diego and the State and local parties want to do this once. We have made a bargain with them under my authority under the Act which says if we do this once and do it comprehensively and focus on protecting the habitat, we will give you a sense of finality. We won't be back for another bite at the apple, so increasingly, I think we are going to see large numbers in that.

Mr. VENTO. I think that is good, basic science. I only wish that it were universally or better understood by all of us, or at least there was agreement.

One of the concerns I have is the Land-Water Conservation Fund and the hit that that fund keeps taking from the budget, because one of the basic, as we go through the science in terms of looking at what is happening, we find that sometimes, the best way to deal with a problem is simply to deal with having an adequate budget to deal with the inholdings or to deal with other landscape protection in which we could record or afford the type of cooperation that simply would work. And obviously, that is one method to do it, but one is simply ground out and eliminate issues, trans-boundary issues or withholdings, and the Land-Water Conservation Fund in this budget, along with the Historic Preservation Fund is in my judgment woefully inadequate. We are simply not providing enough. We have a \$12 million backlog in terms of funding available until expended under high water, and we are not really making a dent. I think we are losing ground, as it were, with that fund, Mr. Secretary, and with the objectives of that program.

Mr. BABBITT. A couple of brief thoughts about the Land and Water Conservation Fund. I think there are some things we can do with the help of this Committee and others to stretch the availability of those funds, first of all, to consider at least in many cases, some kind of matching requirement. I am increasingly of a mind that the priority allocations under the Land and Water Conservation Fund ought to be to some degree moved to where the partners out there have come up with their share, whether under habitat conservation plans or otherwise, and obviously, the issue of land exchange looms very large here.

As much as I oppose the proposals to convey public lands, whether by sale for ski areas or to local jurisdictions, as much as I oppose that, I believe that we have a lot of common ground in this area of exchange. Mr. Hansen is aware of some of the ideas that we have been working on in southwestern Utah, and I think we can find some common ground there.

Mr. TAUZIN. The gentleman's time has expired. The gentleman from Utah, Mr. Hansen.

Mr. HANSEN. Thank you, Mr. Chairman. Mr. Secretary, I read in your budget where you have \$190 million increase on parks, \$100 million to buy ground in the Everglades and I also can see where your suggestion on recreation fees, that 20 percent off goes to the treasury, and that only leaves \$12 million to take care of parks.

I think we are both fully aware that the parks are in really sad shape in many instances, as every superintendent I have talked to attested to. What I am very concerned about, is your IG estimated that under our bill, admission and concession fees would bring in \$200 million. I can't understand why your organization is opposing our bill.

I would admit that the \$200 million is probably a pretty generous guess on his part, but it would still be substantially more than the \$12 million that you suggested.

Could you respond to that, please?

Mr. BABBITT. Mr. Hansen, the administration opposes your bill because whatever the intent behind the bill, we believe that it is an anti-competitive bill for at least two reasons.

Mr. HANSEN. Mr. Secretary, I think you are referring to the concessions bill. I am referring to the recreation bill, and I know the administration—excuse me, I didn't mean to interrupt you, but I know where the administration is coming from on the concession bill.

I disagree with them, of course, but I am referring to our recreation fee bill.

Mr. BABBITT. The fee bill.

Mr. HANSEN. Yes.

Mr. BABBITT. I believe that this administration supports the concept of increased fees, and I believe whatever differences we may have with your bill ought to be subject to discussion and I frankly think that we ought to be able to find some common ground, and I commend those efforts.

Mr. HANSEN. Mr. Secretary, we are coming up with close to \$200 million which would stay in the parks compared to \$12 million that you folks have gone along with, and I would hope that we could change our tone and the way we are looking at things.

I would hope you would work with us. We are still waiting for someone from your Department to come up and work with us.

Mr. BABBITT. I am prepared to do that.

Mr. HANSEN. Well, I appreciate that commitment. Mr. Secretary, we are trying to reauthorize in the committee that I chair the BLM, and we know that on both sides of the political aisle, people want to hang things on it. I don't blame them for that; it is just the nature of the beast.

I also notice that the administration and that you have gone without an authorization for the BLM for an awfully long time. I wish I could get a commitment from you today that you would go along with this and pass it in a clean nature so we can get on about the business of taking care of the BLM.

Do you have any hang-ups with that, Mr. Secretary?

Mr. BABBITT. Well, Mr. Chairman, it depends on whether or not it is truly a clean bill.

Mr. HANSEN. I mean by that that we did nothing but reauthorize it.

Mr. BABBITT. That is a reasonable suggestion, and I would like to reply to you in writing on that, because I think it is a reasonable suggestion.

Mr. HANSEN. Would you please?

Mr. Secretary, various entities fought with us out in Utah on H.R. 1745, which is the wilderness bill. You recently were quoted by Vice President Gore as saying it had to be 5 million acres. We both know what the definition of wilderness is under the 1964 Wilderness Act.

With that in mind, I would appreciate somebody finally acknowledging the things that we have said that are asking where is the additional acreage? Your man on the ground at the time that BLM did what the law provided was Mr. Jim Parker, who has since retired.

Mr. Parker stated the figure, after 15 years, after \$10 million of the taxpayers' money, came up with 1.945 million. You have gone up to 5 million acres. All I am respectfully asking is where is it that fits it?

I have been on this for 19 years now. I have been on every inch of that ground. I think I am very acquainted with the definition of wilderness, and I would be very desirous of hearing from you or your designee as to where is that ground that the Vice President talked about, that you talked about, that the extreme environmentalists talk about? Where is it?

I would ask you respectfully if you could furnish me with that information.

Mr. BABBITT. Mr. Hansen, I do not support, this administration does not support, and I disavow, the opinion of Mr. Parker. 1,945 million acres was the figure submitted in a previous administration. I respect their right to do that, but it does not and has never represented the position of this administration.

Now, what is the right number? That is obviously the subject of a give-and-take debate. I do believe that there are in fact 5 million acres that are suitable for wilderness, and I would be happy to respond in writing, because I believe that from my own experience,



from my knowledge, from the work of the land specialists in this Department that there are in fact 5 million acres.

Mr. HANSEN. I have no argument with your opinion. All I am saying is to re-inventory it, tell us where you are coming from, and that both of us have to obey the law, and I would appreciate it if you would do that.

Mr. BABBITT. Mr. Hansen, would you like the Department to re-inventory it?

Mr. HANSEN. I would have no heartburn with that.

Mr. BABBITT. Well, I have not taken that step, but if you have no objection to it, I would certainly consider formally rescinding the prior inventory and beginning a new one. If you have no objection, I am ready to begin.

Mr. HANSEN. As the Secretary of Interior, you surely have the right to disavow it, and you have the right to do it. I am just saying that I keep hearing these comments about all this additional acreage, but I have yet to see the criteria; I have yet to see the first acre of ground, Mr. Secretary, that says here is where it is.

I have seen these beautiful pictures with power lines on them, with buildings on them, with ditches on them. All of those do not fit into the criteria, and I have yet to see it, so rather than shouting at each other, why don't we just come up with some work and find out where it is?

Mr. BABBITT. I will consider that as a request to revoke the prior study and begin anew. I will proceed to do that.

Mr. TAUZIN. The gentleman's time has expired.

Mr. HANSEN. Thank you, Mr. Secretary. Thank you, Mr. Chairman.

Mr. TAUZIN. Mr. Kildee is recognized for 5 minutes.

#### **STATEMENT OF HON. DALE, KILDEE, A U.S. REPRESENTATIVE FROM MICHIGAN**

Mr. KILDEE. Thank you, Mr. Chairman, and thank you, Mr. Secretary, for your great work in protecting our national patrimony throughout the country and in my State of Michigan. Steven Vercunes has done a very good job there.

You are very well liked and appreciated in the State of Michigan, Mr. Secretary, for good reason.

Mr. Secretary, I would like to ask about your role in the negotiating gaming compacts with the Indian tribes in light of the recent Seminole decision. I am aware that you initiated a rulemaking process on whether the Secretary has the authority to enter these types of negotiations under IGRA. I, for one, am one of those that helped write the IGRA Act in 1988, and I believe you do have that power and that that is what the process will lead you to.

On a broader level though, Mr. Secretary, the tribes have come under attack in this Congress on a number of fronts. I have been involved in Indian affairs for 20 years here in the Congress, and this has been a difficult Congress for the Indians.

My question to you is, does your budget, even with the restorations, with the congressional actions, does your budget allow the Department to fully entrust responsibilities to the tribes?

Mr. BABBITT. Mr. Congressman, the answer is, I believe, no on the basis of the conference committee figures for fiscal 1996. If I

might, with leave of the Chairman, could I say a word or two about the Seminole decision? I think this is an extremely—

Mr. KILDEE. I would be asked that he be allowed.

Mr. TAUZIN. The gentleman can testify.

Mr. BABBITT. Thank you. The Seminole decision has profound consequences for the Indian gaming issue in virtually every state in the union. Now, as you suggested, the consequences of this decision are very unclear.

The Supreme Court several weeks ago effectively said that Governors could invoke the 10th and 11th Amendments to remove themselves from the negotiating requirement that was at the heart of the IGRA process.

Now, with the states effectively removed at their option through sovereign immunity, the question then becomes what is left of IGRA, if anything? The opinions range all the way from a very simple response being advocated by many tribes, which is throw the States out. It is now incumbent on the Interior Department to negotiate directly with any Indian tribe and to move to a compact decision and a bilateral negotiation.

That is certainly a plausible interpretation of IGRA, but there are at least two or three other equally plausible interpretations. This is obviously a matter of extraordinary importance to State, Federal, and tribal relationships throughout this country.

Now, I don't mean to cast aspersions, but IGRA is in many ways a remarkably opaque, if not incomprehensible, piece of legislation. I understand why, because some of the differences were kind of papered over in the draftsmanship, but we are at a real impasse now, and I would hope that we could find a way to bring this issue back to the Congress. But in the meantime, I can't simply sit on this, so what I have done is issued an advance notice of proposed rule-making soliciting the comments of the tribes, the Governors, interested Members of Congress. It has a 60-day timeframe on it, and I hope that we can get everybody out in broad daylight, and hopefully see some patterns of resolution and even, perhaps not as optimistically but hopefully, find some way to engage the Congress in the solution.

Mr. KILDEE. Mr. Secretary, on that point, when I helped work on IGRA, I really felt that we needed the bill because of the Cabizon decision.

What will you be doing? What would the Secretary of Interior be doing were there not an IGRA, and we just had the Cabizon court decision for you to deal with?

Mr. BABBITT. Well, I think in the absence of IGRA, in the light of Cabizon, it is not clear that we would need to do anything in the absence of legislation. I think—

Mr. KILDEE. Indian rights were upheld by the court. They could proceed with their gaming plans.

Mr. BABBITT. Cabizon would basically, it seems to me, unencumbered by any Federal legislation, say the tribes had a residuum of authority whose limits would be tested by litigation and the courts.

Mr. KILDEE. So if IGRA had not been enacted, then do you believe the Indians would under that decision, under their sovereignty, be able to engage in gaming on their lands?

Mr. BABBITT. Yes, but the question, of course is how much. Cabizon was again a bit murky on how much gaming, because the test in Cabizon seemed in some measure to reflect a relative assessment of the state of State law, and if you think IGRA is murky, I think Cabizon is in some ways even less clear.

Mr. KILDEE. I would like to engage with you more with letter dialog on this, Mr. Secretary. Thank you very much.

Mr. TAUZIN. The gentleman's time has expired. Thank you very much. Mr. Hefley is recognized for 5 minutes.

Mr. HEFLEY. Mr. Babbitt, thank you for being here today and I have to tell you, I want to take your budget report seriously, but your credibility with me is at a rather low ebb, and I don't say this lightly.

I want to illustrate why I say that. Let me use H.R. 260, the National Park Service Reform Act, as an example of what I am talking about. This was designed for more and better parks, and I think most of us who worked on that bill are still asked about our bipartisan vote of 34 to eight and out of this committee. It was co-sponsored, in fact, Mr. Babbitt, it was co-written by Mr. Vento, and I don't think the national park system has a better friend than Mr. Vento, a strong supporter of it all the way through.

It was virtually the same bill which passed Congress a year before by a record vote of 471 to nothing, and the word we got from Interior was that you weren't going to have anything to say about it as long as we didn't politicize it, so we went out of our way not to politicize, not to make a political issue and keep it a bipartisan bill.

Worse, I think that as you have gone about the country, you have consistently been less than truthful with the American people about this bill. You claim that H.R. 260 which would only have reviewed the system and set some standards as to what ought to be in the system and find out what was there and what wasn't there, but you talk about the country standing on the grounds of Fort McHenry and saying that if H.R. 260 is passed, Fort McHenry will close.

You stood in a State park in Richmond, Virginia, and I don't know exactly where that fits in, but you said that if H.R. 260 passes with the great scope it has that even a State park could close, and on September 29, 1995, at the St. Louis Gateway Arch, you said and I quote "that there was a serious move underway in the U.S. Congress to take this park and every other urban park in the United States of America and put a for sale sign right in front and auction these parks off to the highest bidder for whatever kind of development will bring in the most profit to the purchaser in the short run."

The truth is, H.R. 260 specifically forbade the transfer of any park unit, even one of the Park Service's own weren't even included in the system unless the new manager would ensure the resources would be maintained at a level equal to or better than that provided by the Park Service.

On February 2nd, in a piece in the Washington Post, Mr. Babbitt, you wrote that the C&O Canal National Historic Park was on a hit list of House Park Closure Bill H.R. 260. The truth is, there

isn't a single park mentioned in H.R. 260 nor was there ever a hit list.

In fact, particularly something like the C&O Canal operation is an example that we would like to see in most parks around the country.

On October 29, 1995, you told a crowd at Appomattox, Virginia, that the purpose of H.R. 260 was to select sites for closure, not to make a consideration of closure, but for a up-or-down vote. The truth is, that bill would not and could not close a single park unit. The language of that bill specifically States that no unit of the park system could have its status changed without a specific act of Congress.

I have your letter to the editor and other comments in which you claim that I or Chairman Hansen or Chairman Young or the Republican majority or some other hobgoblin of your own making wants to close between 100 to 315 park units, apparently depending on your mood of the moment.

The truth is, the only lists we have seen up here have been suggested by you. Shortly after you came into office, you suggested quite a few parks should be turned over to the Native Americans. Last year, you proposed to turn the George Washington Parkway over to the States of Maryland and West Virginia, and during the debate on H.R. 260, your Department issued a list of the nation's 200 smallest parks, which would have to be shut down if the House Interior budget was adopted.

We are told that was a budget exercise, but no other possibilities were ever mentioned. It must have worked. The Park Service ended up getting an increase in their base appropriation.

You know, we wanted to work with you on H.R. 260. It wouldn't have resulted in closure of parks. On April 1st, the Breshlin Institute put out that H.R. 260 would send 315 parks from the auction block because the public lands committee chairman decided the committee would, among other things, destroy fabrications, and would illustrate the historic foundation for such things as Gettysburg, Valley Forge, and Independence National Historic Park, which of course includes the Liberty Bell.

I don't see how anyone with an ounce of common sense could compile such a list, much less believe that one existed. A few months ago, we had the Park Service director in here and asked him under oath, we asked him if there was a hit list, if he had ever seen a hit list, if there was ever a hit list connected with H.R. 260 and he emphatically said no.

When one Member of this Committee asked you recently at a meeting, Mr. Babbitt, about why you are going around saying these things which are patently untrue, absolutely—

Mr. RICHARDSON. Mr. Chairman, Mr. Chairman, I have a motion.

Mr. HANSEN. Did you yield to the gentleman?

Mr. HEFLEY. I didn't yield to the gentleman.

Mr. HANSEN. The gentleman is not recognized.

Mr. RICHARDSON. Mr. Chairman, I have a motion.

Mr. HEFLEY. You were asked the question, Mr. Babbitt, why you are going around and saying these things, and your response was, and I think I am quoting you correctly, "Oh, it is all a part of the game."

Well, the person who asked you that question was surprised by it, and I am disgusted by it, Mr. Babbitt.

I don't have any questions for you, but I do ask you once again, would you sit down with us, have your park people sit down with us and let us see if the goals we are trying to reach with H.R. 260, we couldn't work on together?

In fact, in Arizona the other day, Mr. Kennedy made a speech and said within the Department, they were going to try to do the very kind of things that we were proposing in H.R. 260.

Mr. BABBITT. Sir, this is not a game. There are real issues here, and I would like to respond, if I may——

Mr. HANSEN. Mr. Secretary——

Mr. BABBITT [continuing].—to your allegations.

Mr. HANSEN. Go ahead. We will give you the time to respond. How much time do you need?

Mr. BABBITT. The reasons that I have been so aggressive about this issue is because I believe there are many signals of imminent danger to the National Park System and units thereof.

In the budget bill that was voted out of this House, No. 1, the newest unit of the National Park System, the Mojave National Preserve, was zero funded with an instruction to the Bureau of Land Management to manage that park.

Now, I believe that is cause for real concern, because we debated the California Desert Protection Act for two solid years in this Congress only to have this House zero out that unit of the park system and give the money to the Bureau of Land Management.

I then began reading the remarks attributed to Mr. Hefley, Mr. Hansen, Mr. Young, Allen Freemeyer, the Staff Director of the Subcommittee on National Parks; this is in the Dezarette News, coming from not a Member of Congress, but your staff director who says it is not a matter of whether we are going to close some parks; it is a matter of how we are going to close them.

Now, I must tell you that I take this seriously, because I did not become the Secretary of the Interior to be complicit in the destruction of units of the National Park System. I take this work very seriously.

I think I may be excused if I read this language and respond to it, and I do respond to it.

Mr. HANSEN. The gentleman from Colorado. Let us conclude this and move on.

Mr. HEFLEY. I would have been tickled to death if you had responded to it if you ever read any statement made by me that said we were planning how we were going to close parks and——

Mr. BABBITT. I have never attributed such a statement to you, Congressman, and I never would, because I never read one.

Mr. HEFLEY. I have never said that. I would have loved it if you had sat down with us, but what you say about the Mojave Desert has nothing to do with the statement you made about H.R. 260. H.R. 260 was designed for more and better parks, not to close parks.

I would not be in the business of trying to close national parks in this country. I don't think there is a person in this room that loves our national park system more than I do. In fact, I have often

said that that is the one thing that government probably does better than the private sector is our park system.

Mr. BABBITT. Mr. Hefley, I am sorry, I overstate, because I have quoted you from the Denver Post on February 13, 1995, and I quote, "Some of these silly parks don't make sense."

Mr. HEFLEY. I don't recall ever making that statement in the first place, and in the second place, if they don't make sense, they would have to come before the Congress to be considered whether or not they make sense. The park down in North Carolina, what is it, the State farm? That is the one we use as an example often, and the State farm was a park which was to commemorate some signer of the Declaration of Independence, and they discovered later that he never lived there, he never signed it, the cabin we were commemorating.

A park like that, maybe that should be turned over to the State or local, but no, we were not designing this bill to close any national parks and you know it.

Mr. RICHARDSON. Mr. Chairman, may I make just one point?

Mr. HANSEN. The time of the gentleman has expired.

Mr. RICHARDSON. Mr. Chairman.

Mr. HANSEN. Is this a point of personal privilege?

Mr. RICHARDSON. Yes, Mr. Chairman.

Mr. HANSEN. If not, I will recognize the gentleman. A point of personal privilege from the gentleman from New Mexico.

Mr. RICHARDSON. Mr. Chairman, I have been advised by counsel that the parliamentarian has ruled that the Chair's failure to acknowledge and rule on my request that the gentleman from Colorado's words be taken down was not appropriate. The rule of decorum between members apply equally to debate whether on the House Floor or in committee.

Accordingly, I move that the gentleman's words, "[Deleted]," "Mr. Secretary, your credibility is at a low ebb," and, "Mr. Secretary, what you have said is [deleted]," be stricken from the hearing record.

Mr. HANSEN. You've heard the motion. To the motion. The gentleman from Colorado.

Mr. HEFLEY. Mr. Chairman, I will speak the motion and I won't speak to the part about [deleted]. I will let you rule on that, but if members can stand around and sit around this table and praise the Secretary as one of the greatest human beings of the 20th Century, if some of us have a different opinion of the Secretary than that, it seems to me we have a perfect right to express that as well.

I tried to do it in as temperate language as I possibility—

Mr. RICHARDSON. Is this—

Mr. HANSEN. The question is on the motion from the gentleman from New Mexico. All in favor, say aye. Those opposed, say no.

In the opinion of the Chair, the no's have it.

Mr. RICHARDSON. Mr. Chairman, record vote.

Mr. HANSEN. Record vote has been called for. The clerk will call the roll.

Ms. KENNEDY. Mr. Young. Mr. Tauzin. Mr. Hansen.

Mr. HANSEN. No.

Ms. KENNEDY. Mr. Hansen votes no. Mr. Saxton. Mr. Gallegly. Mr. Duncan. Mr. Hefley.

Mr. HEFLEY. No.

Ms. KENNEDY. Mr. Hefley votes no. Mr. Doolittle.

Mr. DOOLITTLE. No.

Ms. KENNEDY. Mr. Doolittle votes no. Mr. Allard. Mr. Gilcrest.  
Mr. Calvert.

Mr. CALVERT. No.

Ms. KENNEDY. Mr. Calvert votes no. Mr. Pombo. Mr. Torkildsen.

Mr. TORKILDSEN. No.

Ms. KENNEDY. Mr. Torkildsen votes no. Mr. Hayworth.

Mr. HAYWORTH. No.

Ms. KENNEDY. Mr. Hayworth votes no. Mr. Cremeans. Mrs.  
Cubin. Mr. Cooley.

Mr. COOLEY. No.

Ms. KENNEDY. Mr. Cooley votes no. Mrs. Chenoweth.

Mrs. CHENOWETH. No.

Ms. KENNEDY. Mrs. Chenoweth votes no. Mrs. Smith. Mr.  
Radanovich. Mr. Jones. Mr. Thornberry. Mr. Hastings. Mr. Metcalf.  
Mr. Longley.

Mr. LONGLEY. No.

Ms. KENNEDY. Mr. Longley votes no. Mr. Shadegg. Mr. Ensign.  
Mr. Miller. Mr. Markey. Mr. Rahall. Mr. Vento.

Mr. VENTO. Aye.

Ms. KENNEDY. Mr. Vento votes aye. Mr. Kildee. Mr. Williams.

Mr. WILLIAMS. Aye.

Ms. KENNEDY. Mr. Williams votes aye. Mr. Gejdenson.

Mr. GEJDENSON. Aye.

Ms. KENNEDY. Mr. Gejdenson votes aye. Mr. Richardson.

Mr. RICHARDSON. Aye.

Ms. KENNEDY. Mr. Richardson votes aye. Mr. DeFazio. Mr.  
Faleomavaega.

Mr. FALEOMAVAEGA. Mr. Chairman, as a point of clarification, I  
am still not quite clear on the motion that is at hand. I think the  
gentleman from Colorado has said that he is willing to strike the  
words, [deleted].

Mr. HANSEN. The gentleman from New Mexico made the motion  
that the words be expunged from the record that were mentioned  
by the gentleman from Colorado. That was the motion.

We are now voting on whether or not—if this passes, then those  
will be taken from the record. If it doesn't, they will be left in. The  
gentleman from American Samoa, are you going to aye or nay? Do  
you want to pass?

Mr. FALEOMAVAEGA. I will pass.

Mr. HANSEN. The clerk will continue to call the roll. I am sorry.

Ms. KENNEDY. Mr. Abercrombie.

Mr. ABERCROMBIE. Mr. Chairman, point of clarification. We are  
not voting on taking down somebody's words, are we?

Mr. HANSEN. Yes, we are. We are voting on the idea, should the  
words of Mr. Hefley be expunged from the record? That basically  
is the motion.

Mr. ABERCROMBIE. I don't think we have had a proper discussion  
on anything of this, and I am going to vote no.

Ms. KENNEDY. Mr. Abercrombie votes no. Mr. Studds. Mr. Ortiz.  
Mr. Pickett. Mr. Pallone. Mr. Dooley.

Mr. DOOLEY. No.

Ms. KENNEDY. Mr. Dooley votes no. Mr. Romero-Barceló. Mr. Hinchey. Mr. Underwood. Mr. Farr.

Mr. FARR. Aye.

Ms. KENNEDY. Mr. Farr votes aye. Mr. Kennedy.

Mr. HANSEN. The clerk will call the roll of those who didn't respond.

Ms. KENNEDY. Mr. Young. Mr. Tauzin. Mr. Saxton. Mr. Gallegly. Mr. Duncan. Mr. Allard. Mr. Gilchrest. Mr. Pombo. Mr. Cremeans. Mrs. Cubin. Mrs. Smith. Mr. Radanovich. Mr. Jones. Mr. Thornberry.

Mr. THORNBERRY. No.

Ms. KENNEDY. Mr. Thornberry votes no. Mr. Hastings. Mr. Metcalf. Mr. Shadegg.

Mr. SHADEGG. No.

Ms. KENNEDY. Mr. Shadegg votes no. Mr. Ensign. Mr. Miller. Mr. Markey. Mr. Rahall. Mr. Kildee. Mr. DeFazio. Mr. Faleomavaega. Mr. FALEOMAVAEGA. Aye.

Ms. KENNEDY. Mr. Faleomavaega votes aye. Mr. Johnson. Mr. Studds. Mr. Ortiz. Mr. Pickett. Mr. Pallone. Mr. Romero-Barceló. Mr. Hinchey. Mr. Underwood. Mr. Kennedy.

Mr. HANSEN. The clerk will read the tally.

Ms. KENNEDY. On this vote, the ayes are 6 and the nays are 13.

Mr. HANSEN. The amendment is not agreed to. The record will stay as is. The gentleman from Colorado.

Mr. HEFLEY. Mr. Chairman, I would request by unanimous consent that the phrase, [deleted], be taken out. I didn't mean to personally offend Mr. Richardson with that, so I would ask that that be taken out.

Mr. HANSEN. You have heard the request for unanimous consent. Is there objection?

Hearing none, the phrase is taken out.

Mrs. CHENOWETH. Mr. Chairman.

Mr. HANSEN. The gentlelady from Idaho. We are going to go back to the rotation. This is on the issue that Mr. Richardson brought up? We will recognize you for just a moment before we go on to Mr. Williams from Montana.

Mrs. CHENOWETH. I wanted to respond to the issue at hand. I have a question.

Mr. HANSEN. The gentlelady is recognized.

#### **STATEMENT OF HON. HELEN CHENOWETH, A U.S. REPRESENTATIVE FROM IDAHO**

Mrs. CHENOWETH. Thank you, Mr. Chairman. I think the gentleman from Hawaii is absolutely right. There has not been a discussion on this, and in view of that fact, it also is not true that there was ever a park closure bill.

So I think that should be stricken from the record, too. Those words should be taken down, too.

Mr. HANSEN. Thank you. I think that nondebatable.

Let me just say, Mr. Secretary, that feelings around here have been pretty high, and you can well understand that, and probably down in the Interior Department, they have been pretty tense also.



We would like to work with you. Let us continue on and let us all try to be civil as we go through this thing, and we will all repent for our sins and go from here.

Mr. Williams, you are recognized for 5 minutes.

Mr. WILLIAMS. Thank you, Mr. Chairman. Mr. Secretary, as you know so well, out in our State of Montana, we have all of Glacier National Park and part of and most of the entrances of American first National Park, Yellowstone.

We recognize the importance of these parks and the other 390-plus in the park system to the world as well as to Americans. We are especially fond of our own great parks, the parks that are located within our own State.

I have been very concerned that the Department of Interior has had to operate so late in the day without a budget. Let me ask a two-part question with regard to that.

First, can you give us some indication of the difficulties that a lack of appropriations has had on the National Park Service and perhaps its employees as well as its resources, and second, are you and your staff satisfied that negotiations on the current and about-to-be completed continuing resolution are such that the national parks will receive an appropriate funding level?

Mr. BABBITT. Mr. Williams, it has been extraordinarily difficult here for the rank-and-file members of the National Park Service. I don't think that is any surprise to anyone.

The shutdowns were exceedingly difficult, because quite understandably, much of the anger that was generated by frustrated visitors and local merchants was understandably, if inappropriately, directed at the superintendents and staff of the Park Service.

The continuing failure to get an appropriation obviously has disrupted a lot of the park functions, which for a long time are operating under a continuing resolution which authorized visitor services but none of the funding for resource protection, so that is all out of sync now in terms of prescribed fire plans and development of management plans, the research that is going on in the parks, the cooperative agreements with surrounding universities—all have indeed been very difficult.

As to the current negotiations, if we get the conference number as the pro-rated appropriation for the balance of the year, I think we can manage with that. I am not saying it is ideal, but in the context of the overall budget negotiations, I am prepared to take that and do the best I can.

Mr. Chairman, I hope I am not out of order, but I would just like to say—

Mr. HANSEN. Go ahead.

Mr. BABBITT.—50 words about Mr. Williams. I deeply regret the announcement that he is leaving this committee and the Congress. I was with Mr. Williams in Montana last summer at one of the most contentious public meetings I have ever been at in my entire public career up on the Canadian border, at a place called Chester, Montana. It was one of the most memorable evenings of my life. Mr. Williams took me under his shelter and said to a very difficult crowd of people, we are here to reason together and by the time it turned dark over Chester, Montana, he had single-handedly transformed that community into a place where we got a lot of rea-

sonable talking done, and I just want to say that I personally appreciate our friendship and I regret to see you go.

Mr. WILLIAMS. Well, Bruce, you are very kind and I appreciate it, and while it has been embarrassing to sit and listen to accolades like that, I do want my Republican colleagues to know that on this, the Secretary is telling the truth.

Thank you, Bruce.

Mr. HANSEN. The gentleman from California, Mr. Doolittle. You are recognized for 5 minutes.

Mr. DOOLITTLE. Mr. Chairman, it is my understanding perhaps you were going to take the gentlelady from Wyoming in view of her leaving her committee to be here. I don't mind.

Mr. HANSEN. The gentlelady from Wyoming is recognized then. Is that all right?

Mr. DOOLITTLE. That is fine.

Mr. HANSEN. We will recognize the gentlelady from Wyoming.

#### **STATEMENT OF HON. BARBARA CUBIN, A U.S. REPRESENTATIVE FROM WYOMING**

Mrs. CUBIN. Thank you very much. I do appreciate this, Mr. Chairman, and Mr. Doolittle, I am supposed to be in three different places at the same time, so I am not really trying to neglect this committee or the importance of your being here, Mr. Secretary.

You and I have faced each other in the past. I questioned you at length last year about your role in the Federal Government, in the introduction of wolves into Yellowstone.

I am here today, along with many of my freshman colleagues, because America wanted change, and I asked that you join us in implementing that change.

We believe that we can make our world a healthier, safer, cleaner place to live, and I think you believe that, too. I think you want that, too, and we certainly do.

We must learn to improve our environment through cooperation rather than confrontation. Although I haven't been here for this hearing, I understand, I know that it has to have been a reasonably uncomfortable situation for you. I know it would have been if I were sitting in your chair.

Mr. BABBITT. I've been an innocent bystander for most of this.

Mrs. CUBIN. I believe though that America cannot stand any more regulations that are written and enforced by more Washington bureaucrats and paid for by more tax dollars. I really know we can do better. I know we can do a good job without so many regulations and without spending so much money. If I have time left, I would like you to respond to that when I am finished.

Roughly 50 percent of Wyoming, as you know, is owned by the Federal Government. Some of our environmental treasures include Yellowstone and Grand Teton National Park, the Bridger Teton National Forest, Devil's Tower, and those are just a few examples of the wonderful gifts that God gave the people who live in Wyoming to enjoy.

They are trying to get me for a vote now, but Wyoming leads the Nation in energy production and many of our mineral lands are federally owned. In addition, our ranchers and farmers run operations which are adjacent to Federal land, so even if they don't

have Federal leases, since the land is intermingled with the Federal lands, sometimes, the whims of the Washington bureaucrat who maybe has never even laid eyes on the land deeply affects what happens to those people.

Together with the Secretary of Agriculture, you have more power over the State of Wyoming than does the Governor and does the legislature. That is why I think we have to do better.

The future of Wyoming and her people are at stake, and that is not a melodramatic statement. I really sincerely mean that.

I believe that there is no Washington bureaucrat, and respectfully, Mr. Secretary, not even you, that knows Wyoming better than those of us who live there. No Washington bureaucrat can ever understand the balance needed to preserve and protect Wyoming's environment, while at the same time keeping our communities and their economies healthy.

I am a fifth-generation Wyomingite. You are a fifth-generation from Arizona. I know you love the land, and I know I love the land, and I know how you love the land, but I think there are some people who don't understand that.

I have been reading a book. It is called "Community and the Politics of Place". It is written by a man who is self-described as a liberal Democrat, and I believe he was the president of the Montana senate at one time.

I think this book makes more sense than any book I have ever read about trying to come together on solving problems and disagreements with the environment. If you haven't read that, I have ordered copies and I would love to send one to you, because I think it is a good place to begin.

I do believe that you know your home State of Arizona, and your decisions reflect that knowledge, definitely. I want to request that you work with us to allow the people who know Wyoming like you know Arizona to use their knowledge in helping make the decisions that affect us.

Let me explain just a little. During the recent budget crisis when the government was shut down, all of our national parks were closed. That was a tremendous negative impact on surrounding communities, and you know that, but you showed leadership and flexibility in allowing one park to open, and that was the Grand Canyon National Park located in your home State. You didn't open Yellowstone, however, in spite of the pleas from the Wyoming delegation and the Governor. Perhaps this is because you didn't know Wyoming as well as you know Arizona.

Along similar lines, you told me at our hearing on wolf reintroduction last year that you took a personal interest in the wolf issue, because you said your family had been in the livestock business for five generations, and that your grandfather helped eradicate the wolf in the lower 48 States.

I have to assume he didn't travel to Yellowstone to help eradicate the wolves. I have to assume he did that probably in Arizona, but now, you are telling the communities surrounding Yellowstone Park where the wolf was introduced to quit advertising about Yellowstone, because Yellowstone has too many visitors, but I remember when we were talking about wolf reintroduction, one of the reasons that the Department said it ought to be done is because it

would draw more visitors to the Yellowstone area and the environmental impact statement clearly stated that it would bring more visitors.

Now, we are shutting campgrounds and closing areas, closing the geyser basins, so that people can't get there. This is certainly your choice. It certainly is under your auspices, but should we be spending more money on wolf reintroduction when we have to actually put people out, and the vision and purpose of the parks department was to provide a pleasant experience for the visitors to the parks.

My request to you is not that you consider putting wolves in Arizona and opening up Yellowstone if this happens again, although I would try it, if I thought I could get by with it; that is for sure. Rather, I request that you show more respect and deference to State and local officials and citizens who know their own communities like you know yours. I think that way, we can achieve the environmental goals that are important to all of us.

When I was reading the book, "Community and the Politics of Place", it talked about how certain people, especially westerners, identify themselves, and I stopped reading, and I thought, OK, how do I identify myself, and the through that came to my mind were the prairies with the sage brush, the clean air, the sunshine, the blue sky, the clean water, and I felt like I was a part of that, that that is who I am, and I know that is how you feel, because we are attached to the land. All life comes from the land, so believe me, we cherish it just as you do.

I think that if we cooperate, we can achieve the environmental goals that are important to all of us, and that we can ensure proper balance to maintain environmental progress and otherwise, we will have a backlash from communities when we think there is over-regulation.

My request to you is that when there is a find on BLM lands of enormous gas fields, like there is at Cape Gulch in Natrona County who is suffering financially very much, that that process could be sped along a little bit.

I have a newspaper here from Wyoming, and it has one headline, "Bird Study Could Delay Gas Field for over a Year". This is in the Green River Basin, but at the same time, in the same newspaper, it says BLM approves pipeline, so the express pipeline approval was expedited so that Canadian oil could come down into Casper, Wyoming, and basically, the Wyoming producers will lose 50 cents a barrel or whatever, but that is not the point.

Anyway, it crosses seven rivers, and yet, there wasn't a lot of work done on that, but we are studying the development of this field for over a year.

I just ask that you allow us to have the same treatment that others get. I know I am over my time, Mr. Chairman. I am hurrying as fast as I can.

Cape Gulch is a field that contains 450 billion to 629 billion cubic feet of recoverable gas. It is estimated that its value is \$725 million, and almost \$300,000 has been spent on environmentalist estimates already, and that could proceed, even in spite of having to deal with the raptors. The drilling—

Mr. ABERCROMBIE. Point of order, Mr. Chairman. Could some of these questions be put in writing?

Mrs. CUBIN. I am just about—

Mr. ABERCROMBIE. I just have a little bit of time, too, and I have other committee assignments.

Mr. HANSEN. Let the Chair say this. I notice both sides have gone over, and the Chair, whether it was Mr. Tauzin or Mr. Young, have been kind of lenient.

Let us let the gentlelady from Wyoming finish, and then if there is no objection, we will hold everybody to 5 minutes, because we are holding the Secretary, we are holding ourselves. We all have places to go.

If the gentlelady would finish.

Mrs. CUBIN. Thank you, and I will be very brief, Mr. Chairman.

We have a grazing bill that is coming up in the House tomorrow, Mr. Secretary. This is a good bill. It is designed to ensure that grazing remains one of the multiple uses of the lands.

Your range reform in 1994 has hurt ranchers, and if they go out of business, it isn't just the ranchers that are devastated. It is an entire community, because we are such a rural State.

In addition, the open spaces, water, food, and habitat that ranches provide for wildlife are absolutely essential to the populations that we have. Ranchers subsidize wildlife, and without the habitat and food ranchers provide, the wildlife wouldn't be there in the numbers that they are, so I hope that you will work with us on the grazing bill. I hope you will encourage the President to sign it, and forgive me for going over.

My last request is that I ask you to pledge to cooperate and listen to State and local officials who know so much more about their States, and my pledge to you is that I will be much more open-minded and I will be much more cooperative in working with you and your agencies. If you respect Wyoming, Wyoming will respect you, and forgive me for going over.

Mr. HANSEN. Do you want a 1-minute response, Mr. Secretary?

Mr. BABBITT. Mrs. Cubin, I hope you will send me the book and I will read every word of it for two reasons. One, because you asked me to, and second, because I have heard from a lot of people about the importance of this book and as I understand it, the importance of this concept of community of politics and place is that there is a possible approach to common ground here, and I think the meaning of this opening is that we must listen to and involve local people, not just petroleum companies, not just environmentalists, not just sportsmen, not just local officials, but all of the stakeholders on the western lands.

I would suggest that rather than attempting to modify environmental standards, what we can do and where we can find common ground is to find institutional ways to go back and involve people in how it is we implement those standards, and how it is we manage the land.

What I mean for example, is that rather than continuing the 100-year-old quarrel about whether or not we sell or convey away public lands, that discussion is really old and sterile. I don't believe it is going to end.

The real issue though is how we manage those lands and how we listen to and work with local communities. That, to me, is the importance of the grazing reform that we have done, and the estab-

lishment of the resource advisory councils, because we have delegated real authority to those councils, working with the Governors.

You mentioned the Green River. We have established with the cooperation of the Governor a stakeholder group to see if we can break through the impasse in these land management issues in the Green River Valley.

I believe we can do that with the Endangered Species Act, and I believe that there is some common ground, but what we must step away from is an attempt to get at these issues of participation by changing the national goals which I cannot subscribe to, but I will be happy to join in a search for process and consensus building on the ground.

Mr. HANSEN. Thank you. The time for the gentlelady has expired. We are now going to hold everybody, Republicans and Democrats, to 5 minutes, and when that thing goes off, I will gavel you down.

The gentleman from Connecticut, Mr. Gejdenson.

Mr. GEJDENSON. Thank you, Mr. Chairman. Mr. Secretary, I can't remember a Secretary who has been to as many communities as you have, and I know Mrs. Cubin is somebody who is serious about what she said, and I would hope you would go back and look at previous Secretaries of the Interior and try to find one that has been in as many communities and has as often said, see if you can work it out here bringing in all the interest groups, environmentalists, loggers, and let me tell you, it is a much tougher thing to do than just to take one side and build your allies.

Sometimes, it gets both sides a little angry, but there has not been a Secretary in my memory who has brought the different views into the room more often and asked people to try to find a solution locally than this Secretary of the Interior. I think if you look at the record, you will see that is true.

Second, those interests aren't just yours and the Secretary's and the local people in your area. When the Federal Government gives billions of dollars to bring water to California farmers, it hurts Connecticut dairy farmers. When Federal land, which would be called socialism if it happened in the east, is given almost for free to mineral developers and to western farmers, farmers and others who are competing on private lands are left at a disadvantage.

I have constituents who are loggers who log without the Federal Government coming in and building them roads and giving them a subsidy of \$100 million a year, my taxpayers are offended by that. My taxpayers are frankly disadvantaged by those programs.

Frankly, the Secretary doesn't have the right to simply come and accommodate the small community that is around. He has to deal with the entire community, taking in your interests as well as the people and my interests.

It seems to me that the fundamental issue is that the Secretary has recognized his responsibility to represent the broad interests of the country, not just westerners, but all of us who have invested in these areas. Frankly, in places like Alaska and elsewhere, it was easterners—I wish the Chairman was here—who came up with the cash to buy it, or the Chairman would be speaking Russian today and not sitting in the U.S. Congress. It would probably be worse for both of them if he was.

As far as the tension out here, I mentioned Jesse James the other day on the Floor. If Jesse James made one bank deposit as compared to all of his "withdrawals," and the Secretary of the Interior was the bank president and Jesse James walked in, even if he didn't explicitly state that he was planning to rob that bank, you would excuse the Secretary if he was somewhat nervous about Mr. James' intentions.

I think the Chairman and the gentleman sitting in the Chairman's chair today is one of the most decent and hardworking, and one of the members who tries to cooperate, but his instincts on some of the issues frankly differ.

I think the gentleman has a bill that would take something like 260 million acres and transfer them to the State free and clear. We have a big difference there. We think that proposal is not in the national interest.

I understand the gentleman may be representing his State's interest and that community, but this country is a community that starts at either coast, and all of our interests have to be placed in this area.

Again, I would say in areas that I have had direct dealing and in constant reviews from reports on areas of conflict around the country, this Secretary—maybe you can tell me how many communities you have instituted those kind of dialogs. I don't know if you have it here today. If you don't, you can get it to us later—

Mr. BABBITT. Mr. Gejdenson, I have even been in yours, and they gave me peace and harmony.

Mr. GEJDENSON. We have had you there, and the first thing you said to the people was see if you can work it out amongst yourselves, so I don't have to come in and make a Federal decision without local input.

Mr. HANSEN. Thank you. The time for the gentleman has expired. The gentleman from California, Mr. Doolittle, recognized for 5 minutes.

#### **STATEMENT OF HON. JOHN DOOLITTLE, A U.S. REPRESENTATIVE FROM CALIFORNIA**

Mr. DOOLITTLE. Thank you. Mr. Babbitt, before you were Secretary, you wrote a message from the President of the League of Conservation Voters, and in that message you said, "We must identify our enemies and drive them into oblivion."

Mr. Chairman, in the spirit of this newfound bipartisan cooperation, I want to be the first one to say that I wholeheartedly join in that sentiment.

Mr. Secretary, you are over Interior, and so I won't hold you accountable for the Navy. I would like to hear what the Secretary of the Navy has to say about a few of these things.

Mr. Gejdenson has got some socialism out in the West, but I hear that there are some submarines that they didn't want that were built in Connecticut. I don't know.

We all have our problems that I guess we have to deal with.

Mr. Secretary, you know that we have had a number of ongoing problems in the Central Valley Project Improvement Act, and there is an ongoing discussion about what to do about this. One of the

ideas being discussed with respect to contracts is the quantity of water a contract you could expect upon renewal of the contract.

Your Department has said that quantity for renewal of the first long-term contract will be based on a reasonable and beneficial use criteria; however, I was concerned at our oversight hearing last week when Mr. Garramente appeared. He indicated that the Department is not prepared to commit to using the same definition for reasonable and beneficial use that is the criteria used by the State water resources control board.

I realize that this, of course, is California, but this could set a precedent in other parts of the nation. I just wondered if you could comment, or are you prepared, as the Secretary of the Interior, to commit to using State law in defining reasonable and beneficial use for contract renewal under CVPIA?

Mr. BABBITT. Mr. Doolittle, I think that is the presumptive starting point, that there are a number of Federal laws which do not always automatically lead to that conclusion. That is why it is sort of a distinctive sort of approach to this, because I think that *United States v. California* lays out a statutory and case law framework in which there is a correct start.

There are some divergent criteria in some of the Federal laws, and therefore, I wouldn't go beyond Mr. Garrimendi's statement. I don't think it follows that there will be divergence, but I can't tell you that there won't be for those reasons.

Let me just briefly say one other thing. I believe that the process that we have going among the stakeholder parties over the CVPIA is a very good example of the way it is that we try to go about dispute resolution, and John Garrimendi has devoted an extraordinary amount of time. I think we have made some real progress.

I know we haven't resolved every issue, but I think we have come a long way. Would you agree with that?

Mr. DOOLITTLE. I think we have made some progress, and frankly, he acknowledged our efforts as helping to contribute to that, but I think we are far short of where we need to be.

Mr. BABBITT. I would like to keep trying, because I think there are a lot of legitimate stakeholder interests on all sides, including the water pictures and my sense is that if we keep after this, we've have a chance of getting it done.

Mr. DOOLITTLE. As you know, Mr. Secretary, the Reclamation Act of 1902 does specifically reference State law, and that has been the traditional application, that they were to decide as a policy, the Department, that it is my understanding that would be precedent-setting, so I would urge you to, as you consider it, fit in with the tradition, and I would be interested in hearing any conclusions you may come to, especially if they should diverge from that.

I think that would be extremely controversial in the water community.

Mr. BABBITT. I appreciate that. Just one thought. One of the difficulties in this Federal-State interface issue in reclamation is, as you know, the Bureau of Reclamation does not have an organic act. The Reclamation Law of 1902 is one of probably 200 reclamation laws. It is the first one, and usually when you say Reclamation Law of 1902 out west, what you are really talking about is a basket



full of reclamation laws, not all of which fit together, and which have many different mandates.

Nonetheless, I agree with your general proposition that this works best when we can find a way to harmonize laws on basic resource definitions.

Mr. DOOLITTLE. Mr. Secretary, I want to get one more question in here.

Is it the Department's goal to minimize any adverse impacts in the CVP service area resulting from increasing Trinity River flows above the current level of 340,000 acre-feet?

Mr. BABBITT. Yes, of course, but what we want to do is minimize adverse impacts to all stakeholder groups. Therein lies incredible complexity, because if we are going to minimize adverse impacts, who are we talking about? Stakeholder groups, agricultural water users, municipalities, fish and wildlife.

It is a tough task. I would like to keep at it.

Mr. DOOLITTLE. I look forward to working with you on that. I see my time is about up, so I will turn the time over.

Mr. HANSEN. The time for the gentleman has expired. The gentleman from New Mexico, Mr. Richardson.

Mr. RICHARDSON. Mr. Chairman, before I ask the Secretary one question, I just want to close this sordid discussion we have had on H.R. 260, and I just want to emphasize to everybody that despite all the polemics that we have heard here, the bill was a bad bill, and it was defeated by 230 to 180, with 67 Republicans voting against it, and a sizable number of organization, environmentalists, besides the White House and Interior Department, Park Service, New York Times, Salt Lake Tribune, Miami Herald, St. Louis Post Dispatch, the Las Vegas Sun and the Philadelphia Inquirer urging defeat of this bill.

I just want to put that to rest, because I think the Secretary has been maligned unfairly for this, and I was the person on the Floor with many of these groups that led the effort to defeat this bill. I just want to state that and maybe we can work together, but I suspect the agenda of some may not be in effect to try to deal with the parks in a way that does sustain our parks. That is my last statement on that issue.

Mr. Secretary, you know we have an Indian gaming problem in New Mexico. You know that the problem in New Mexico is the validity of the gaming compacts that you signed. As you know, the tribes say it is a matter of Federal law, but the compacts are still valid.

I have a suggestion to make on this issue. I followed with interest your statements on the gaming issue, first deciding exactly what your role might be, and I agree with that. I think you want to be on valid, solid ground, as much as there is.

My suggestion would be that you consider appointing a special master for New Mexico. I don't know if master is the word, or a special negotiator, whose objectives would be to determine your authority, but also to determine the validity of the compacts that would be scope No. 1.

Scope No. 2 would be the scope of what we are talking about, the gaming scope; and No. 3, what the State's regulatory role is.

I think also the situation in New Mexico would benefit from a little bit of cooling off, mediation. I have suggested mediation services from the Department of Justice. The trouble with that is that some of the sides wanted others or are holding off, but I think rather than set up a turbulent situation in New Mexico over this issue which will not be decided soon, I think some movement like a special master under your authority who would examine again those three, the validity of the compacts, the scope of gaming, and the State's regulatory role, would be something that you might consider, and I would welcome any thoughts that you have on the subject.

Mr. BABBITT. Mr. Richardson, that is an interesting suggestion. I have followed New Mexico issues very closely, and what is so frustrating about New Mexico is the parties, at various times, have been so close to each other that it is almost as if you could, over the last two or 3 years, take the positions of the parties at the optimum time and put them all together and say that you have all in fact agreed, but never at the same time, and never in exactly the same language, and what you are saying, it seems to me, is really interesting, and that is that there may be in fact enough convergence there that a party might crystallize it.

Mr. RICHARDSON. But a catalyst is needed, and you are taking all the heat now, and I just think that as part of the process, that a useful catalyst may be a mediating mechanism.

I hate to be bureaucratic, but unless you get people in a room and start talking and establish frameworks to decide what you are discussing, you are never going to come up with an agreement.

I do think—it would seem to me you would have an authority to do that, although I think you rightfully want to be in good, legal stead as you pursue the final decision on this issue. I don't think that would be inconsistent with your call for some study on exactly what your authority might be.

I think you could still appoint a special master of some kind, a commission maybe. I don't know. I think you are better with one or two people, and you have some good people on your staff that have been assigned special tasks like this, and maybe that is the way to go.

I would urge you to consider this and act on it. If you don't think it makes sense, I still think that you are doing good work on this issue.

Mr. BABBITT. I will get back to you on that.

Mr. HANSEN. The time for the gentleman has expired. The gentleman from Arizona, Mr. Hayworth.

Mr. HAYWORTH. I thank the Chairman, Mr. Secretary or Governor, as I am want to call you so often.

We are grateful that you are here today, and I appreciate your comments in response to other questions.

Let me deal with something outlined earlier in my opening statement. A couple of specific problems with reference to the application of the Endangered Species Act in dealing with the spotted owl.

As you know, there has been a good deal of disruption, Governor, in the timber sale program, firewood cutting and other activities in our neighboring State of New Mexico and in our own State of Arizona due to a debate as to the status of the Mexican spotted owl.

As we all recall last August, a Federal judge shut down all logging in eleven national forests. All firewood-cutting and related activities were also stopped, and this disrupted not only the entire forest products industry in the southwest and resulted in the closure of most of the mills in our home State, but it also created great hardship for villagers in parts of New Mexico where they depend on the collection of firewood from national forests for their heating and cooking fuels.

Now, since that time, I understand a settlement was reached, and some of the firewood restrictions were lifted allowing the collection of dead and downed wood near roads, but this still creates a major problem for people dependent upon national forests for their fuel.

What is difficult for me to understand about the whole situation, Governor, is that the Forest Service, to my knowledge, has found no evidence that the Mexican spotted owl lives or has ever lived in much of the affected area. In other words, these forests are not owl habitat, and they should not be considered critical habitat.

This serious problem by and large remains unresolved even to this day.

Now, if you could, Governor, please explain to me why you and the Fish and Wildlife Service have not resolved this critical problem in our own backyard for a species that should never have been listed in the first place, and when will we have this resolved?

Mr. BABBITT. Well, I believe that we are on our way toward meeting the requirements imposed by Judge Mickey, which are for adequate consultation with the Forest Service on their timber sale plans. I am optimistic that we are going to get that settled up.

I am not a biologist, but I can tell you that it is my opinion that there are Mexican spotted owls in the Ponderosa Forest, because I have not seen them, but I have heard them, and biologists have come back with their evidence demonstrating that they are in fact there and that there are some habitat requirements in terms of old growth trees, and they appear to be concentrated in these sort of rimrock and canyon areas up in the Mogollon Plateau.

I believe we can get it worked out, and I will see if I can redouble my efforts to get that done.

Mr. HAYWORTH. Governor, thank you. We look forward to working with you on that.

You may not have this information readily available today, so perhaps you or your staff could respond in writing on these questions, related questions.

Is there an estimate of how much it has cost American taxpayers first of all, in terms of studies, legal fees, timber sale contract liabilities, unemployment, and other social costs related to the fall-out, if you will, of this court hearing and this time and form of economic purgatory for the people of the Sixth District of Arizona and other areas?

Mr. BABBITT. I am not a research bureau, and I know there has been a great deal of contention about costs direct and indirect. What I can tell you specifically is that the outlays from the Fish and Wildlife Service and the Interior Department.

I think it is important to tally up the benefits on the other side as well. There are indeed a lot of benefits that accrue from getting

these things worked out, and the protection of the fishing industry in the Pacific Northwest is routinely omitted. People say there are costs from reduced timber cuts, but there are also palpable benefits to the landscape, and the fishing industry is a very good one.

There are, I think, analogies to that in northern Arizona, the area I am familiar with. The tourism and recreational industry is a major beneficiary of the parks and forest management and biological diversity issues. I don't know exactly how you put a value on it, but it is not my place as Secretary of the Interior to try to do that, but I think it ought to be taken into consideration.

Mr. HAYWORTH. If your staff or someone there does some research and catalogues some of those numbers and some of the benefits, I would greatly appreciate it.

I just want to make sure I am under no misunderstanding, Governor. You are not suggesting that tourism now in this situation immediately with the benefits we can all acknowledge in tourism, that it immediately is so beneficial that the jobs in the small rural communities in the Sixth District—

Mr. BABBITT. No, I am—

Mr. HAYWORTH [continuing].—Are not being taken into account.

Mr. BABBITT. I am not suggesting that, but I am certainly suggesting that historically, in your district, we have over-cut the Ponderosa Pine Forest in a nonsustainable manner, and what that means is we have created jobs by extinguishing tomorrow's jobs in the timber industry, and that behind all of this is a need to get a sustainable timber harvest so that there will be jobs and forest products industries for our kids, grandchildren, and future generations.

We have failed on that score, because we have over-cut those forests.

Mr. HANSEN. The time for the gentleman has expired.

Mr. HAYWORTH. I ask the Chairman, just one comment.

With the action of the Federal judge, we have thrown people out of work, and if they ever get back to work, they will receive no back paychecks, no benefits, and it is those people I am concerned about. I know the Secretary shares that concern, and I hope we can work out these problems.

Mr. HANSEN. The gentleman from American Samoa.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. Mr. Secretary, I do appreciate your patience with all the lines of questions that members of the committee have had for the past several hours.

Mr. Secretary, I notice that in your statement there is no reference whatsoever on the Interior Department's projections and sense of responsibilities to some 4 million American citizens and nationals in our insular areas. I do express a very serious concern that now that we have restructured or reorganized the Department in such a way that insular areas are assigned a lesser level of responsibility within the Department, under the Assistant Secretary for Policy, Management and Budget, which is about as unrelated to the needs of these 4 million citizens and nationals as you can get. In view of the fact that while the insular areas might be small in number, certainly the national security and strategic interests in these areas that are just as important.

I would deeply appreciate if you could provide a statement, at least for this Member, concerning the insular areas and your current policies and objectives for fiscal year 1997.

Mr. BABBITT. Congressman, I would be happy to do that. Let me just say that I had a very illuminating and moving visit from the Governor of American Samoa about a month ago in which at some length, he explained to me, he said, you can't forget American Samoa. We have a long and powerful and productive relation with the United States of America. We are not advocating at this time independence or a change in our political relationship. We are proud to be Americans; we are proud of the contributions we have made to the armed forces, and I didn't realize you had so many NFL players.

Mr. FALEOMAVAEGA. There are about 20-some.

Mr. BABBITT. I don't know exactly how all that comes about.

Mr. FALEOMAVAEGA. Three made all-pro this year by the way.

Mr. BABBITT. Suffice it to say, I was really quite struck by it. We have a lot of juridical and institutional problems in some of the insular territorial areas, but what I hear from American Samoa is that we got a good, strong, nice relationship, and before it was all over, the Governor said, when are you coming to American Samoa, and I said before the year 1996 is out, I will be in American Samoa.

I realize that is anecdotal, but I really admire what that island has done, and I value you for trying to keep track of these issues.

Mr. FALEOMAVAEGA. I would appreciate it if I could receive a statement from your office covering this area as part of the responsibility of our subcommittee.

I might also add a suggestion to the situation in American Samoa. We have only in the past 19 years elected our own Governor, and sometimes, I think our friends in the Department tend to be a little too anxious in wanting to lend assistance in the fact that we have a system of legislative process. I think sometimes, we are anxious to help the local administration, but neglecting to see that we have to allow our local legislative and political processes to take place, and there are currently some very serious conflicts that have resulted because of some of the actions taken by the Department, and I would just like to offer a caution that sometimes, we need to work closely with both branches of the local government in reference to the territory.

I would appreciate a statement from your office concerning our insular areas.

As a follow-up on my good friend from Michigan, Congressman Kildee on IGRA, the very serious problem of the Seminole case emanating from the Indian gambling situation, I just wanted to ask if the administration plans to propose any legislative amendments to the current IGRA, because as you said earlier, there are some ambiguities in there that will make it very difficult, both for States as well as the administration, to enforce some of those provisions.

I would deeply appreciate administration input into the current law, because there definitely are some serious problems. The fact that now the whole situation is going to be saddled on your back and the Congress is just going to sit back and see that there is

going to be more lawsuits and cases filed in court simply because perhaps there are some areas that you would offer some suggestions on how we can better improve the legislation as it currently stands.

One particular question that I would like to ask also, there are two bills pending in the tribal recognition process. It is the bill that I introduced and the one that Senator McCain has also introduced.

Mr. Secretary, I have followed this issue of Indian recognition for the past 8 years since I have been here on this committee, and I can tell you without any doubt in my mind that the current process simply does not work.

I sincerely hope that your associates in your department and certainly, the members here in the committee would like to work together and resolve some of the serious problems affecting tribal recognition.

Knowing the history and even the person who wrote the regulation testified before this very committee admitting that what he did was complete chaos, never realizing how serious the problem is. I am not suggesting that we lessen the standards in giving proper recognition for the tribes or the fact that we should be fair, and there should be fair treatment in the process. I just wanted to alert you to that concern that I have about that.

I see my time has expired.

Mr. HANSEN. The gentlelady from Idaho is recognized.

Mrs. CHENOWETH. Thank you, Mr. Chairman, and again, I want to thank the Secretary for this afternoon.

I have some questions about—I have a number of questions. I am going to try to be quite quick about it in order to stay within the 5 minutes.

But Mr. Secretary, could you tell me what the policy of the Department of Interior is concerning the disclosure of information gathered in any natural resource damages assessment process being undertaken by the Department? Isn't the natural resource damages assessment process a public process?

Mr. BABBITT. Mrs. Chenoweth, the important thing to remember in the natural resource damage assessment is the role of the Justice Department in using that assessment as possible evidence in litigation.

That means that we rely on the Justice Department for advice about those materials which are privileged under the rules of court as the possibility of litigation unfolds.

Mrs. CHENOWETH. So if there is a vague possibility that litigation may unfold which could be any case about any project, then that give you a license then not to—

Mr. BABBITT. Well, this is one of these areas where I have to turn to my lawyers over at the Justice Department and say I am an innocent civilian. You are my lawyer, and I will do what you tell me to do, and that is what the Justice Department does.

Mrs. CHENOWETH. Mr. Secretary, I would like to work with you on not only a specific case but also on that policy, because I know the intent was to make the process remain open, especially when it involves the public interest and the national good, so I would like to be able to work with you.

We are having quite a problem up in northern Idaho with regards to some of the mining, tailings and so forth. There is a \$600 million lawsuit that has been filed by your Department on the same companies more than once for the same situation, and it is interesting that the United States played a major role in the Silver Valley in extracting those minerals in World War II in order to meet the needs of the military in the war effort.

So I find it difficult to understand why Department of Interior would look only to a new owner of those mines and completely neglect the fact that the U.S. Government was making the demands on the mine operators, even having soldiers stationed at those mines to make sure that the needs for the war effort were met. Indeed, because we were a nation with great natural resource capabilities, that was in large part why we won that war.

But I hope that in time, our policy can be a little more even as far as who really created the problem up there in northern Idaho during World War II, and Senators Craig and Kempthorne have introduced legislation that I hope that you will view with favor, because it does level this out as far as who the perpetrators were, even unknowingly at that time.

I also want to mention that you have been making a number of speeches lately quoting the scriptures. In fact, in your speech you state, "In the words of the covenant with Noah," and you quote Genesis out of the scriptures, "When the rainbow appears in the clouds, I will see it and remember the everlasting covenant between me and all living things on earth."

Thus, you went ahead to say, "We are instructed that this everlasting covenant was made to protect the whole of creation, not for the exclusive use and disposition of mankind, but for the purposes of the Creator." You go on to say that, "Now, we all know that the commandment to protect creation in all its diversity does not come to us with detailed operating instructions. It is left to us to translate a moral imperative into a way of life and into public policy, which we did."

Then you say, "Compelled by this ancient command," and I am sure you mean scriptural command, "modern America turned to the national legislature which forged a collective moral imperative into one landmark law, the 1973 Endangered Species Act."

Mr. Secretary, you are a very bright attorney, and I just want to say that I think that we are coming dangerously close to violating the establishment clause where we are now seeing the Federal Government impose a form of religion upon other individuals who may not accept the Endangered Species Act imposition, the rules and regulations. We all agree with the goals of the Endangered Species Act, but how it is being imposed on us has been imposed with a religious zeal, and I would suggest that we need to watch that really carefully. That is what our founders wanted to protect us against was a State religion, and in this very committee room, Mr. Jack Ward Thomas said that that is necessary to protect the Indian Religious Freedom Act. Mr. Robertson from the BPA had stated that to maintain the salmon runs which I want in Idaho—we all want to fish for salmon in Idaho, but it is a necessary thing as far as the Indians' religion is concerned.

So I am sorry I used up the entire 5 minutes. With the Chairman's indulgence, I would like to hear your response, because I think this is dangerous ground we are treading on, sir.

Mr. BABBITT. Mrs. Chenoweth, I respectfully disagree. I don't think the First Amendment was ever intended to preclude me from expressing my personal convictions and as you quoted the statement, quoted my language, I understand that this doesn't translate into a detailed—I am not up here offering detailed divine guidance. I couldn't be so presumptuous.

Nonetheless, I believe that in this democracy it is imperative that we all give great respect and power and understanding and encourage people to express their values and their beliefs, and I do that in precisely that spirit.

Mr. DOOLITTLE. Mr. Dooley is recognized.

#### **STATEMENT OF HON. CALVIN DOOLEY, A U.S. REPRESENTATIVE FROM WYOMING**

Mr. DOOLEY. Thank you, Mr. Chairman, and thank you, Mr. Secretary, for spending so much time. I want to state that I have a great deal of respect for the leadership that you are providing, and I think clearly that even while I might not agree with all your positions, it still is, and I think we all should afford you the respect for the positions which you are trying to advocate.

I would also like to state for the record that I am embarrassed somewhat about the partisanship and the polarization that we have seen in this committee today, and I want to make it clear that my vote against the Richardson amendment was not an endorsement of the comments that were made, but were rather a repudiation of what I thought was another contribution to the increased polarization of this body.

I would like to move into an issue which I want to thank the Department of Interior for the efforts they did to try to have an issue addressed that is of importance of my district which was in the emergency supplemental or what was at one time the emergency supplemental.

We had a situation in the Central Valley of California due to the flooding last year where the Bureau of Reclamation had to cut some levees which flooded. Unfortunately, they didn't have the funding available to pay those claims. Your Department encouraged the Congress to include that in the continuing resolution.

I am not absolutely confident that they are going to accept your recommendation or my recommendation, because there is some question whether Republican leadership will do so. In the event that they do not, I hope that you would continue to work with myself and others, if we could have this \$9 million for these claims either included in the 1997 budget or maybe even working through the Department of Justice with the fund that they have for claims.

Mr. BABBITT. I appreciate that, and I am perfectly prepared to do that to followup on our submission.

Mr. DOOLEY. I thank you for that. The bureau has been terrific to work with on this and all the people within your Department have.

Another issue which you are somewhat familiar with is an outgrowth of the CVPIA dealing with the San Joaquin River study.



Congress withheld funds in 1996. The department budget which you submitted, did not include the funding for 1997. I guess I would anticipate that that is in some ways wise that the Department is not going to continue with this study on the San Joaquin, and if you could perhaps clarify that?

Mr. BABBITT. I believe that is correct.

Mr. DOOLEY. One last question, again, I just want to commend some of the work that has been done by the western region of the Bureau of Reclamation. I think that you have some people out there doing a terrific job, and certainly, Roger Patterson is one of them.

I would also state that a lot of us were very pleased with the work that the entire bureau did in terms of trying to draft the reclamation reform, and I think that the process that was involved and certainly the efforts that the bureau engaged in and identified what the preferred alternative that they recommended to the administration would be then proposed as a final rule. I and I think many other members are very supportive of that work and are supportive of that preferred alternative.

I would hope that the Department will be finalizing this, and hopefully, if you could give us some idea or myself some idea in terms of what the timing is on that.

Mr. BABBITT. I have just begun to immerse myself in this issue, and the answer is that I will—if you ask me this question a little further down the line, I will try to be a little more positive, but at this point, I just don't know.

I understand the documentation is now done. The Solicitor is reviewing the work, and then I will hopefully get something from them in due course, but I can't be more specific.

Mr. DOOLEY. Having just—

Mr. BABBITT. By the way, Roger Patterson, I hope you appreciate that he is really one of the outstanding people in the history of the Federal Government. I tried to lure him to Washington. He was too smart to accept my bait. My loss is your gain.

Mr. DOOLEY. Some of the rest of us tried to do the same, too.

What I would just add, and this is nothing earth-shaking or anything, is that the process that Assistant Secretary Garrimonte has been involved in in terms of the CVP reforms, I think, have been productive in some ways in terms of bringing people together. I think some of the work that is certainly the outgrowth in terms of Secretary Riki in terms of the Bay Delta Accord and in terms of bringing all the stakeholders together are very consistent, I think, with the leadership approach that you have tried to embrace.

The only concern is that we have to maintain that level of confidence among all the stakeholders that this is a process that provides some certainty, and that is where I get back to even the RRA, the regs, and the preferred alternatives, is that decisions that are made that aren't consistent with bureau recommendations I am concerned will undermine some of that commitment and that confidence, and certainly the stakeholders I represent in terms of primarily the ag folks in terms of their further participation in some of these other processes, be it Garrimonte or otherwise, and hopefully, that is a consideration which you and the administration are taking into account.

Mr. BABBITT. I understand your position.  
Mr. DOOLITTLE. Mr. Hastings is recognized.

**STATEMENT OF HON. RICHARD HASTINGS, A U.S.  
REPRESENTATIVE FROM WASHINGTON**

Mr. HASTINGS. Thank you, Mr. Chairman., and I want to thank you, Mr. Secretary, for spending all this time. I apologize for having had to leave and come back.

I want to ask a question. This is a budget hearing, and I will try to deal just with budget matters.

In the larger sense, the Bureau of Reclamation, of course, is under your purview, and by definition, that agency was set up, I think, to reclaim land. In my district, I have the Columbia Basin project. When that project was first authorized, it was authorized for reclaiming about 1 million acres, something like that. It has now reclaimed a little over 500,000.

I think it was last year that the bureau suspended all study of reclaiming the other 500,000 acres. I just wonder if you would tell me what your position is on the second half of the Columbia Basin project, especially in view of the fact that that area is now under irrigation and has been for several years.

The prices of land are going up, and there is a greater demand for that sort of activity, but give me your thoughts on the second half of the Columbia Basin project.

Mr. BABBITT. I am honestly not familiar with that. This is in the service area of Grand Coulee, isn't it?

Mr. HASTINGS. Yes, it is. All of the water to irrigate the Columbia Basin project comes back from Lake Roosevelt, which is the pool behind Grand Coulee.

Mr. BABBITT. Now, I am at least positioned on the landscape, but I have to tell you, I am still not familiar with the issue and why it is that the bureau has taken that position and what the cost implications are and what the history of it is.

I will be happy to go back and immerse myself in that and get up to speed on it and get back to you.

Mr. HASTINGS. I would appreciate it if you would.

Mr. BABBITT. I will do that.

Mr. HASTINGS. Second is an issue that is in Washington State. It is not in my district, but you made reference to it in your remarks regarding removing the Elwha Dam.

Would you elaborate on that decision and that policy initiative.

Mr. BABBITT. Sure. Before I came in 1992, Congress passed Elwha provisions in the omnibus package that had the CVP and other things in it. It has very specific language in it, very directive language, which directed me to do a study of the two small dams on the border of Olympic National Park on the Elwha River and to assess the feasibility of removing those dams.

There is a great deal of interest in it, because the Elwha River was really one of the great, I believe, Chinook salmon runs of the Pacific Northwest, and apparently, the fish lock has been conserved and could be re-established.

The dams are relatively low down. They are almost at the bottom of the river, and above them is the entire force of the Elwha River in Olympic National Park, I think 70, 80, 90 miles of river, and by

almost any measure, if one is interested in taking steps to restore salmon rivers, this one is very high up on almost every list.

It was in that spirit that the Congress said assess and make a recommendation to us. That is what is in this budget request. The National Park Service did, I think, a very good study of laying out all of the pros and cons and the issues of, can we buy the dams, yes; how much power replacement is necessary; where would it come from; who is in the power service area, mainly Port Angeles and one or two of the industries in Port Angeles; what are the costs of dismantling the dams; and what are the problems of dealing with the sediment that has accumulated behind the dams.

We have analyzed all that, and my recommendation to Congress is that I think it is a cost effective project, in a very complex landscape, a very costly salmon investment in the Northwest. This one really looks very good.

It will take about \$30 million to buy the dams at Elwha and Glines Canyon, and then about \$80 million to dismantle the dams progressively and deal with the sediment and get the stream into a free-flowing mode.

So my recommendation is that Congress appropriate the money.

Mr. HASTINGS. Who owns those dams now?

Mr. BABBITT. The dams are owned by, I think it is Dai Wu—Dai Wah; it's a Japanese company which owns the paper facility in Port Angeles, a forest products industry there. They are the owners, and they are willing to sell, and there has been a fairly detailed assessment and agreement about replacement power in those conditions.

Mr. HASTINGS. Is there any consideration in the fish liners that they are low dams?

Mr. BABBITT. There has been some consideration of fish ladders, and my judgment is that they really wouldn't work very well, that they are fairly tall dams in fairly small streams, and I am not persuaded that fish ladders would be very effective.

Mr. HASTINGS. Maybe I misunderstood you. I thought you said they were low dams at the beginning. They are not in my district, but—

Mr. BABBITT. I am talking proportions here. They are relatively low by Grand Coulee standards, but they are on a relatively small stream and I think that the effectiveness of fish ladders tends to be a function of a whole set of variables including the stream flow, the height of the dam, and that kind of stuff.

I am not saying that it is impossible. This is not a Grand Coulee—

Mr. HASTINGS. Well, the Elwha is not the Columbia River, either.

Mr. BABBITT. To be sure. That is correct.

Mr. HASTINGS. Thank you, Mr. Chairman.

Mr. DOOLITTLE. Mr. Farr is recognized.

#### STATEMENT OF HON. SAM FARR, A U.S. REPRESENTATIVE FROM CALIFORNIA

Mr. FARR. Thank you very much, Mr. Chairman. After 3 hours, it is nice to still be here with the Secretary, and I can't think of a committee in Congress that would touch as many sensitive issues in as many congressional districts as the Department of Interior does. I appreciate your being here.

I often reflect what would have happened had Governor Babbitt become President Babbitt, or Secretary Babbitt had become Chief Justice Babbitt, but I am very glad that you are here.

One of the issues that I want to talk about is more of a macro budget issue. It is interesting to note that this Congress last week spent hours on the Floor debating whether we ought to spend the Highway Trust Fund, and we overwhelmingly voted to do so, and yet this committee and your Department sits on top of another trust fund, the Land and Water Conservation, with about \$12 billion that is in the bank that is locked up, locked up in part because the Republican budget resolution called for a moratorium on the Land and Water Conservation Fund spending.

I am also a little bit disappointed that the administration's budget request is really under-utilizing the Land and Water Conservation Trust Fund. You were going to bring in about \$900 million from sales of public resources this year, and yet the administration has only requested an appropriation of \$127,200,000.

If you listened to the debate today, it is really one where America is struggling to manage its diminishing resources, and yet we have money to do that, and we have money to solve a lot of the problems here, and I think as the population doubles in America, we are going to have to do a better job with it.

My only request of you is, do we convince this administration that we ought to spend some of that money that has been collected in the bank and get it out there to local governments and State governments and counties and cities and the rest of the governments in this country that are struggling with resource management and resource protection?

If we don't do it now in this generation, with the pressures that are growing in America, I think we will have lost the opportunity of real, true public service and since that money is in the bank, I don't think that we get into that fiscal argument that we are having to raise taxes or spend money that we haven't already collected.

I will do my job in Congress to convince these committees that this is the people's money and it ought to be spent just like the highway trust funds. Can you do the same in the executive branch?

Mr. BABBITT. Mr. Farr, the answer is no, because the melancholy news is that it is not a trust fund. The money is not in the bank. It is not off-budget. It is subject to Paygo rules. It is subject to 602(b), and every dollar that is in the LWCF part of our is a dollar less. It is the other part under the 602(b) allocations. It simply isn't a trust fund, but we exist.

Mr. FARR. But it is a fund, and it has money——

Mr. BABBITT. It really isn't. It is not a fund. I realize that is the common conception, but it isn't. All it is is appropriation authority, nothing more.

It is the same appropriation authority that we see scattered all over the place, but the bottom line is that you got to take the money out of your 602(b) allocation.

I think that this is a sterling opportunity for this Congress to revisit that issue to see if there weren't some way to find some common ground on creating a genuine trust fund, identify real revenues, and subjecting them to a process which guarantees that those revenues flow into an earmarked fund and out to land acquisi-

tion—outside of this, if you do that, you-spend-less-somewhere-else sort of fiction that we go through now.

Mr. FARR. That is the same fiction, I guess you can create with the highway trust fund. My point is that these are resources that have been sold, money that has been paid for those resources, and here, we don't have a process to turn that around back into investment.

Mr. BABBITT. Yes, I agree with that.

Mr. FARR. There isn't a corporation in America that doesn't invest in the way it does business.

Mr. BABBITT. I agree with that, because I think the expectation was when this LWCF was set up, the expectation of the parties was that there would be a regular inflow and a regular outgo, and that somehow, it would operate like a separate fund.

My point is, we can't do it now. We ought to find a way to do it.

Mr. FARR. Well, this committee is the authorizing committee, and I think that that is something that I have tried to engage the chairs of the committee in over the years in discussing that we essentially open the authority to sell and set the price within law. The Budget Committee collects the money and holds on to it, and sets it up in kind of a lock box, so we are in the right place to begin this environmental resource fund, and I would look forward to your help with this committee in making it happen.

Mr. ABERCROMBIE. Mr. Chairman.

Mr. DOOLITTLE. Yes, Mr. Abercrombie.

Mr. ABERCROMBIE. Could I make an inquiry as to whether we will return?

As much as I would like to ask the Secretary a couple of questions, I still could put it in the form of a note or a letter. I don't know if there are too many of us left to make questions, and if the Secretary would promise that simply because I am such a good guy he would pay special attention to that, I would be willing to pass on coming back, because we are liable to be 20 minutes or 30 before we get back.

Mr. DOOLITTLE. Mr. Abercrombie, we have three individuals who have not spoken, Mr. Longley, yourself, and Mr. Calvert. We can only take one more before recessing and coming back.

Mr. MILLER. Mr. Shadegg is coming.

Mr. DOOLITTLE. Well, I guess we are going to come back unless—

Mr. ABERCROMBIE. I will pass.

Mr. DOOLITTLE. All right. If we do come back, you can retake your time if you care to. I think if the Secretary is willing—

Mr. LONGLEY. Mr. Chairman.

Mr. DOOLITTLE. Yes, Mr. Longley.

Mr. LONGLEY. If the Secretary would indulge us by allowing us to go vote and come right back, I would appreciate a chance to talk with him.

Mr. DOOLITTLE. All right. In that event, I think what we will do is recess for the vote and we will come back as soon as we can.

Is that acceptable to you, Mr. Secretary?

Mr. BABBITT. Yes.

[Recess]

Mr. DOOLITTLE. Mr. Calvert, you are the only one here. Let us begin with you.

**STATEMENT OF HON. KEN CALVERT, A U.S. REPRESENTATIVE  
FROM CALIFORNIA**

Mr. CALVERT. With that vote of confidence, Mr. Chairman, thank you very much.

Mr. Secretary, welcome to this committee. As you know, I am Chairman of the Energy and Mineral Resource Subcommittee. We have a bill that is up through this committee already, H.R. 1975, royalty fairness legislation.

As you know, this bill has been scored by the CBO to make money both for the States and for the United States treasury. We have been involved in negotiations for some time and in fact, in late January, the House and Senate majority staff, the Department of Interior staff, your staff, and the White House staff reached agreement on most of the technical portions of this legislation except, of course, for the State delegation part of that bill.

Since that time, the Department has unfortunately as far as I understand, refused to negotiate and come to some type of closure on this one issue that is keeping us from moving forward on this legislation.

You were a Governor and obviously understand that all the western Governors are in favor of the State delegation provision in this, both Republican and Democratic Governors.

Mr. Secretary, I guess my question is what is your position on giving the States authority to manage royalty responsibilities and why would you oppose this legislation to do so?

Mr. BABBITT. Mr. Calvert, I think the State delegation idea probably initiated in the Interior Department in the course of the re-invention of government process where this whole thing surfaced as an idea.

The one thing that I am opposed to, strongly opposed to, is mandatory delegation. I think there is an enormous core of Federal interest in how these programs operate and that it is important that the Department retain some discretion to make judgments about the effectiveness and quality of the delegation programs.

Mr. CALVERT. Well, as you know, under this legislation, you would still have oversight if in fact the States are not competent in collecting these fees, and as you well know, as a Governor, the incentive is for you to collect these dollars in a very efficient manner to make sure that you in effect are in receipt of the dollars for your own treasury.

Again, we think that we leave reasonable oversight on the part of the Secretary and again, all the Governors without exception, are in favor of this and as you know, this is a bipartisan bill. We have had a lot of support, both Democratic and Republican on this bill, that is, as you know, through this committee.

I am hoping that we can come to closure on this State delegation issue. If there is some flexibility out there on this, I hope to hear that from you so that we can get this thing done.

Mr. BABBITT. Well, as I said, the substantive provisions of the bill, apart from the delegation issue, we support, but we have had a lot of discussions about this.

I don't see the compromise, because I believe that we are dealing with Federal issues, and if delegation is appropriate, there ought to be some front-end discretion in order to make these programs work. That is the way delegation works in the other 99 percent of the programs we administer, and I think it is correct, and I think these procedural issues are important, and I think that it is remarkable that the other side is insisting on this.

I can understand the source of that insistence. I think it is a sort of ideological kind of thing, and I am willing to try to find common ground, and I have discussed this at great length, and I haven't found it yet. But I will keep trying.

Mr. CALVERT. You have me wondering which one of the States would you think are not competent or do not have the ability to collect this type of royalty.

Mr. BABBITT. I am not prepared to make those judgments, but I think they should be made in the context of delegation decisions.

Mr. CALVERT. I look forward to getting this resolved. Obviously, we are moving forward with the legislation, and I am hoping that at the end, we would have your support.

Since I have some additional time, and I talked to you about this briefly, a subject that is interesting to me and is of interest to my home State of California, as you know, the great majority of Indian tribes in this country are in California. Almost half of the Indian tribes are in California, so the aspect of gaming is of critical importance to the State.

We do not have a compact with the Indian tribes at the present time, and the State and local governments, as you know, are unable to enforce laws and regulate on the reservations, and the Federal Government, in fact, many of the agencies, Internal Revenue Service, law enforcement, etc., have been unable to or haven't chosen to enforce any provisions as in other areas that have gaming.

Is there anything that you can foresee that we can help regulate, make sure that these gaming operations are being properly operated for the benefit of the consumer and to make sure that no criminal activity possibly is taking place?

Mr. BABBITT. Well, just a couple of thoughts. The Department of the Interior does not have regulatory jurisdiction over Indian gaming. I know that that is not the common perception, but that is the fact.

We have under whatever is left of FUCRA, an undefined and rather complex potential role in the negotiation and formulation of compacts and the conditions thereof, but the regulation of gaming under IGRA goes to a separate commission. It is not within the Department of the Interior.

Mr. CALVERT. As you know, under the old Indian gaming commission, they proposed that class one and class two gaming was under the jurisdiction of the Indian Gaming Commission, but I don't know of any other Federal agency that is willing to accept some type of responsibility for investigating any problems that may happen on any type of Indian gaming operation within the United States, and I bring this up as a problem as Indian gaming continues to grow and more and more of these casinos are opening every day, just two very recently in my area. We can have 100 potential

casinos in California. It is a problem, and I wanted to bring that up.

Mr. BABBITT. Mr. Calvert, I don't disagree with that. Two thoughts. My sense is that the Indian gaming that has been established, whether you agree with gaming or not, has generally been conducted to a pretty high standard. It is really very encouraging.

Having said that, I think this issue of who has oversight or regulatory jurisdiction is an important issue, and we ought to find a way in this Congress of working together to try to resolve this entire bundle of issues, how do you compact and who has regulatory responsibility. They are fair issues, and we ought to deal with them.

Mr. CALVERT. Thank you, Mr. Secretary.

Mr. DOOLITTLE. Mr. Longley is recognized.

### **STATEMENT OF HON. JAMES LONGLEY, A U.S. REPRESENTATIVE FROM MAINE**

Mr. LONGLEY. Mr. Chairman, Mr. Secretary, and the staff, I want to thank all of you who stuck this out. I appreciate it, particularly Mr. Secretary your courtesy in extending beyond the vote.

It has kind of, I guess, a double significance for me, certainly being the last in line to question, but also, I might mention that as a new Member of Congress, I don't think I was even sworn in yet when the attacks started, and I say that as also being last in line and probably one of the more junior members of this committee and this Congress that to some extent, I have to deal with the residue of not only the administration and the Republican leadership, but the Democratic leadership as well. I guess the fact that there may be aspects of our condition that affect us on a larger plane than perhaps individually any of us can really take responsibility for.

But I want to relay the experience and some information that relates to my district, and I do mean these words very sincerely. Several weeks ago, there was, I gather, a memorandum that circulated from the office of the EPA administrator suggesting that there were going to be Earth Day events organized in some 50 or 60 congressional districts, the vast majority of which happened to coincide with the freshmen Members of Congress, and it was kind of coincidental that Edmund Muskie passed away right after that memo became apparent.

I might just mention that, and I think you might have served as Governor when Governor Longley, my father, served, and I know that he had a great deal of respect for you, and I hope that the respect was likewise.

My father was a very close friend of Ed Muskie's, and in attending the funeral, I listened to the eulogy that was offered by Leon Billings and I was really struck by how he focused on two aspects of Senator Muskie's record, the first that he was extremely careful in authoring the first Clean Air Act and the first Clean Water Act to develop a solid, bipartisan consensus.

I asked my staff to research the votes, and I understand that each bill passed, one in 1965, one in 1970, by 80-plus votes to six or seven in the Senate each time, and that not once, but twice, passed unanimously in the House.



Being very much affected by that plus Mr. Billings' comments relative to the senator's concern about the impact of environmental legislation on intergovernmental relations, and with those thoughts in mind, I sent a letter to Administrator Browner suggesting that Earth Day was an important enough event that if anything, I challenged her, instead of conducting events in selected congressional districts that she seek out the challenge of conducting events in every congressional district and attempt to do it on a bipartisan basis.

Needless to say, several days ago, Mr. Everett Polk, the president of the Sierra Club, took me to task as an environmental hypocrite in the largest newspaper in my State. I mention that because not only did I find that personally offensive, but going back to the strong relationship that Governor Longley had with Senator Muskie, formerly Governor Muskie, and I might add that the respect that my family holds for Senator Muskie is so strong that we deeded my father's official papers to the Muskie Archives at Bates College following my father's passing.

I was offended by that because from my perspective as a Member of Congress, and I want to just cover quickly some of the issues that have come up that very much concern me that relate to the people in my district.

I will touch quickly on four acts, the Clean Air Act. Maine intended to be the first State in the country to comply with the enhanced air emissions testing requirements under the Clean Air Act, and despite the fact that they were first, they were faced with a bureaucracy that came into Maine and basically almost ridiculed what they were doing by suggesting that you could take every car in the State of Maine and drive it into Casco Bay and the State would still not be in compliance with the clean air standards under the act.

Then I have been hearing an awful lot from a lot of municipalities in my district, particularly relating to CSO, combined sewer overflow requirements under the Clean Water Act, and the fact that Maine is facing over \$1 billion in mandates, and I want to use the word unfunded mandate very carefully, because I understand that that term has acquired a pejorative meaning, but the reality is that we all know that we need to keep our own nest clean, and we all need to take responsibility for the pollution that we produce.

The fact of the matter is, the \$1 billion in costs that the State may need to assume responsibility for is more than all the towns and cities in my State have collected in property taxes in any single year, and I have cities approaching me and have been visiting sewer districts, and I will contrast perhaps the city of Bath, Maine, which is now trying to handle a sewage flow that is six or seven times greater than their system was designed to handle. Coincidentally, they just lost a major property tax abatement case that they are going to be paying out \$4 million or \$5 million in over-collected property taxes. But they are competing for very limited CSO and revolving loan funds against communities that have nowhere near the problem, but yet are facing an equal mandate by the EPA.

I will touch quickly on two other issues, the Safe Drinking Water Act. I have local officials in one town who came to me and explained that they had put in a well to provide water so that they

could flush their sewage from a town bathroom, basically, as well as wash down their cruisers, and found that they were being listed as a public drinking water supply and forced to comply with those mandates. Other officials have been telling me about being forced to test for chemicals that they never in their professional history encountered in my part of the world.

Endangered species, I have supporters of the Atlantic salmon coming up to me expressing concern that the Atlantic salmon could be listed in the State of Maine and concerned about the threat that Federal protection would bring to their ability to work cooperatively with particularly private sector landowners.

I am just mentioning all of this, because these are very real issues, and I think that there is a need to get away from the polarity that we are experiencing on environmental issues, and as a freshman Member, I find it very frustrating.

With all due respect, you have visited my district and explained that I was part of an attempted environmental siege.

The bottom line is, I am very frustrated, and I really feel that this lack of dialog, if you will, doesn't reflect well on any of us. I think that we have gotten totally away from the initial objectives of a bipartisan consensus on environmental issues, and I am sitting here as a Member, very frustrated that I can't address these issues, and looking for constructive leadership which frankly is lacking from the environmental groups as much as it has been misguided from the standpoint of my own leadership.

I will just end on one note. I don't mean to belabor this, but I will also harken back to some experience that I had working for Governor Longley as a volunteer helping him on certain projects.

I participated with the Governor when he overflew 1 million acres of timber in northern Maine, and preliminary to his decision to kill the Dickey-Wicken hydroelectric project which many people hailed as a major victory for the environment. He killed it because he didn't feel that the economic benefits would outweigh the tremendous environmental cost, but at the same time, he went forward with a project called Sears Island, which was an effort to build an enhanced cargo handling capability in a port that had been a commercial seaport in Maine for almost 200 years. Here it is 20 years later, and it was just canceled by an independent Governor who said that "the process was rigged."

I guess what I am saying is, what can we do to break this impasse, and maybe it is beyond our control, but I do find it very frustrating, and I just wanted to share those concerns with you this afternoon.

Mr. DOOLITTLE. Mr. Secretary, give us a concise response, if you can.

Mr. BABBITT. I share your frustration. My experience since I have been in this town is that the consensus building center is in many cases virtually absent in this Congress, and I say that as an institutional fact without casting blame in any direction.

The quality of the debate and the process here has driven toward polarity, and it is really striking. I contrast it with my own experience in Arizona where I was a Democratic Governor and very conservative of the environment with a legislature almost the whole 9 years of Republican majorities. The culture there, at least during

my tenure, was quite different. We flailed each other pretty heavy in public, but in private, we were always bargaining, and we did some pretty byzantine kind of bargaining because we knew at the end of the day, we really wanted to have a result.

What is missing in the institutional culture of this town is the sense of trust and camaraderie that allows that to happen, and I would only say, quite apart from our differences on positions, I will admit the absence of that culture.

Now, I have tried very hard and the successes that I think I have had in the last 3 years have been trying to impart that consensus-building culture in my administrative functions, and Maine is an area where, somewhat to my surprise, we are going a great deal now, and we haven't had a lot of success yet, but we have had some.

The Atlantic salmon, I think, is a nice example. We moved in and bargained very hard with the Governor and the State people, and I think we have a process that is going to hold, and it took a lot of effort, and I think it is working.

We have now been bargaining over these hydroelectric and related Native American issues on some of the rivers. My solicitor was up for a couple days to meet with Governor King last week, and I have gone out of my way to say that if I have not mastered the art of doing this on Capitol Hill, I still think I know how to do it out on the landscape, and I hope we are going to produce some good results in Maine at least.

Mr. LONGLEY. I appreciate your comments, and I guess I just wanted to express my own frustration at where this process is leading us because frankly, I think the public is disgusted with all of us.

Thank you, Mr. Chairman.

Mr. DOOLITTLE. The Chair recognizes Mr. Shadegg for his questions.

#### **STATEMENT OF HON. JOHN SHADEGG, A U.S. REPRESENTATIVE FROM ARIZONA**

Mr. SHADEGG. Thank you, Mr. Chairman. Mr. Secretary, how are you?

Mr. BABBITT. Well, it is 5:25 and in the context of this hour of the afternoon, I am doing quite well. One of your staffers fed me a handful of miniature carrots and that seemed to help.

Mr. SHADEGG. Well, if I can put you at ease, I don't plan to become aggressive in my questioning.

I kind of want to follow on the line which you just pursued with Mr. Longley. I think perhaps you are right that the climate here creates a polarizing effect where each side takes kind of an extreme position.

I have heard you rhetorically support your team in that effort, and we have people on our side that rhetorically support that as well.

Let me stop right here and say that I want to insert in the record and have you answer later two questions having to do with the Ward Valley proposed low-level nuclear waste site, if I might, but I will let you answer those later. It has been a long day for you and a long day for us.

I want to focus a little bit differently on a couple of thoughts. Michael Bean has said about the Endangered Species Act in 1994, as a matter of fact in November 1994, and I quote, "What is clear to me after close to 20 years of trying to make the Endangered Species Act work is that on private land at least, we don't have very much to show for our efforts other than a lot of political headaches. So some new approaches, I think, desperately need to be tried, because they are not going to do much worse than existing approaches."

I presume either you are familiar with that quote or it doesn't shock you. Second, there is a quote by Mollie Beattie, the director of the U.S. Fish and Wildlife Service, which goes to the issue I want to talk about. With regard to the issue of incentives, she says, "If there were an incentive to make the best habitat, we would be miles ahead."

As you know or may know, I have introduced an incentive-based Endangered Species Act. Some of us believe we ought to reduce the regulatory aspects of the current Endangered Species Act in order to do away with some of its negative incentives, that is, its incentives which encourage people to either hide the endangered species on their land or otherwise not cooperate with the Fish and Wildlife Service.

Some would argue that we ought to trade. We ought to do away with some regulation and instead, insert some incentives.

I guess the question I want to put to you, in my particular bill, we do a series of things to create positive incentives. I feel like I know you. I am certain you believe in incentives. I want to ask you if this Congress were inclined between now and the end of the 104th to pass legislation which merely added incentives to the existing Endangered Species Act, incentives for example like the authority to defer estate taxes or the authority to defer property taxes, other positive incentives; two questions, how would you react to that, how would the administration react to it, and would you be willing to propose and proffer to this committee incentives you think ought to be added to the list?

Mr. BABBITT. The answer is yes. I would be happy to elaborate if you want me to.

Mr. SHADEGG. Please do.

Mr. BABBITT. Now—

Mr. SHADEGG. It is late and I am sure you are tired. You have elaborated all day.

Mr. BABBITT. I assume your base line is not to appeal the *Sweet Home* decision—

Mr. SHADEGG. No, I am talking about—

Mr. BABBITT [continuing].—Handle on incentives.

Mr. SHADEGG. In the current political climate, I happen to believe we ought to do both things. Get rid of some of the negative incentives and add the positive, but I am saying, in the current political climate, my offer is we propose to simply add positive incentives and leave the act alone otherwise.

Mr. BABBITT. The answer is yes, because we have had some very good luck with positive incentives.

The safe harbor concepts that we are now using in the long-leaf pine forests down south are in fact working very, very nicely if you

look in the Carolinas and in Georgia. We have got people signing on, particularly resort developers now, saying we will enhance habitat, principally by prescribed burning to keep out the emergence of the successional hardwood underscoring, and in response to that, we are saying, we will come and collect your woodpeckers and move them at such point as you choose to put the land to another use.

Now, that was done with Michael Bean's help, and a very important analysis which shows the net gain as a result of that type of incentive, and I certainly support that.

We have had a fair amount of discussion about the estate tax based kinds of issues, and I think they are a fair subject for consideration, so I think we need to be modest about the impact. I don't want to oversell this as an instant panacea, because I generally believe that we need regulatory standards. But when we need them on private and public property, then we need to get more imaginative about how we reduce the impact to get small landowners out as quickly and effectively as possible and we need to try pre-regulatory agreements with large landowners to see to what extent we can work off the delegation models that are in the 4(d) process that we have with the California resource agency, a very important model.

It is a little off the incentive track, but I think these things kind of all work together.

I think some of the things that we are doing now with these closure issues come very close to being affirmative incentives, basically saying we want to do a multispecies habitat conservation plan. We will make a deal with you, and once we have closed on it, that is it, and it seems to me that that could be characterized as an incentive.

So yes, the answer is I think there is some ground to be explored there.

Mr. SHADEGG. I happen to believe that that is fertile ground. I happen to believe so strongly in the concept of incentives that it is an issue I am going to try to press for the balance of this session to go forward with just the incentive-based half of this.

I would like to see us reduce some of the negative incentives and I am afraid that is too politically hot at this point, but I would request that you supply me, if you would, or have a staffer to work with someone from my office with those kinds of incentives which you could embrace.

I don't believe that adding incentives, positive incentives to the law, could do anything but assist in this effort, and if in fact, that is a point on which both sides agree, then there seems to me little point in delaying for the resolution of the other side of the fight.

Having said that, I think I am finished for the afternoon. Thank you very much.

Mr. DOOLITTLE. Mr. Secretary, don't run away just yet. We are almost done. There has been a lot of interest raised about Indian gaming and so forth.

You ultimately as the Secretary of the Interior make the decision, I guess, as to whether or not to take lands into trust for that purpose, is that right?

Mr. BABBITT. Well, that is correct. There is an Eighth Circuit Court of Appeals decision suggesting that that may be under review, but existing law plus our regulations say yes, I take land into trust, and there is of course in IGRA a separate standard for taking it in trust for gaming purposes.

Mr. DOOLITTLE. The way this works is that authority that you have permanently delegated to the Assistant Secretary for Indian Affairs, or does your office actually become involved in that decision?

Mr. BABBITT. My office oversees those decisions.

Mr. DOOLITTLE. While you are here, might I take the opportunity to ask, perhaps we could have a meeting. I have a situation in my own district that I would like to discuss with you about that.

Mr. BABBITT. That is fine with me. Now that you have ascended to the chairmanship of this committee—

Mr. DOOLITTLE. By default.

Mr. BABBITT [continuing].—I would be ready and willing to do that.

Mr. DOOLITTLE. Thank you, sir. Let me just ask, some of our members have expressed interest in this spirit of bipartisanship that has been talked about, would you be willing to provide members advance notice when you are going to make an appearance in their district?

I know from time to time under the Bush administration, I recall that we got notice of those appearances by cabinet members. Is that something that we could do?

Mr. BABBITT. Mr. Doolittle, I believe we routinely do that, and if we don't, I will try to make sure that it is done. I think we owe you the courtesy of telling you when we are coming, and I will try to do that.

Mr. DOOLITTLE. Thank you very much and thank you for your patience and your testimony before the committee today.

There has been quite a bit of floor action that we have missed out on, but there will be, I think, some written questions additionally that the committee would submit. When that happens, we would ask that you try to get them back to us as expeditiously as possible.

With that, sir, this hearing is now adjourned.

[Whereupon, at 5:35 p.m., the subcommittee was adjourned; and the following was submitted for the record:]

Statement of Bruce Babbitt  
Secretary of the Interior  
Before the House Committee on Resources

April 24, 1996

I am pleased to be here at today's oversight hearing on the Fiscal Year 1997 budget request for the Department of the Interior.

The budget that you have before you reflects the priority that the President places on protecting America's natural resources and cultural heritage and honoring our historic obligations to Native Americans.

The President's request for the Department seeks a total of \$7.33 billion in funds subject to annual appropriation by the Congress. An additional \$2.1 billion will be provided by permanent appropriations.

The President's request for the Department is an integral part of his overall budget plan. The President's budget for 1997 will result in the lowest deficit since 1982. His seven-year budget has been certified by the Congressional Budget Office as achieving balance by 2002. But these goals are accomplished in ways that protect American values, including the value that the American public places on the environment.

The request is an increase of \$468 million in current budget authority from the amounts appropriated in the 1996 Energy and Water Development Appropriations Act and proposed for appropriation in the 3rd Conference agreement on the 1996 Interior and Related Agencies Appropriations Act. However, viewed in a broader perspective, it is a flat budget. Even considering the termination of the Bureau of Mines and other 1996 program terminations, it is an increase of less than 2.2 percent above 1995 and a decrease of \$30 million, or 0.4 percent, from 1994.

The work of the Department is spread across the country at 369 parks and over 500 wildlife refuges; on 270 million acres of public land; at 83 agencies serving over 550 Indian Tribes and one million Native Americans; and at numerous laboratories, field research sites and Reclamation projects. These sites are not just acres and buildings. Collectively they represent America's heritage. The cost of properly protecting this heritage -- maintaining the physical infrastructure and maintaining acceptable services -- is not staying level. Between 1994 and 1997, our cost of doing business as a result of pay increases, higher prices for supplies, and uncontrollable changes will go up by 8.6 percent.

Our challenge in formulating the 1997 budget was to adequately fund our operational and on-the-ground requirements to ensure that we meet our continuing commitments:

- to the restoration of America's natural and cultural heritage through regional partnerships with other Federal agencies, State and local governments, community groups, and the private sector;
- to the millions of Americans who use the National Parks, National Wildlife Refuges, and public lands every year, and to an Endangered Species Act that works;
- to protecting and encouraging Indian self-determination and meeting Federal trust responsibilities to American Indians; and
- to a program of scientific research that contributes to describing and resolving the Nation's resource and environmental issues.

Our ability to propose a budget that meets these commitments is due to the President's commitment to the environment and programs for Native Americans and to our aggressive efforts over the last three years to streamline the Department, reducing headquarters staffs and management layers, and to reengineer our processes and improve the efficiency and effectiveness of our customer services.

**Staffing.** As part of these efforts, we made extensive use of buyout authority. We focused on higher grade supervisors in headquarters and regional offices and employees working in administrative and support areas in order to free up positions for on-the-ground field work. By the end of 1997, almost 7,700 buyouts will have been completed. Unfortunately, we also had to conduct reductions in force. The Geologic Division in the U.S. Geological Survey conducted a significant RIF to match its staffing level to its historic funding level, separating 466 employees and downgrading or reassigning over 300 more. Departmental Management conducted a RIF as part of a reorganization, downgrading or separating 79 employees. Reductions in 1996 appropriations have required additional and significant RIFs. The Office of Surface Mining issued RIF notices to 265 employees, the Bureau of Indian Affairs to 693, and the former National Biological Service to 92. The now-closed Bureau of Mines issued 832 RIF notices. All told, we have issued 2,834 RIF notices. A total of 1,381 employees were separated through RIF procedures. The other employees took buy-outs, resigned or retired, or took lower graded positions.

Between 1993 and 1997, staffing in headquarters and central offices will have been reduced by about 2,800 FTEs, or 26 percent, enabling bureaus to redirect funds and staff to on-the-ground work in the field. We have also made good progress in reducing higher graded and administrative support positions. By devoting a larger percentage of Interior's human and financial resources to direct program activities, we will provide better, more cost-effective service to the public.

We expect our FTE level in 1997 to be 70,155, which is almost 7,800 fewer than in the base year of 1993. We have set aside 2,000 additional FTEs in a separate special



allocation for seasonal employment. Quite frankly, we doubt funding levels will allow us to use this allocation. However, it will be available to land managers for use in parks, refuges, and public land management programs during peak visitor seasons to provide enhanced services to the visiting public. It will allow them the flexibility they have not traditionally had to manage based on dollars available, not on artificial FTE constraints.

**Reinvention.** Interior has continued to be a leader in reinvention. All of our bureaus have re-evaluated programs, redirected resources, and re-engineered work and processes. They are providing better service in less time. The Minerals Management Service now processes royalty payments in as few as three days, one quarter of the time it used to take a contractor. We are also simplifying through automation. For example, we have put in place a wide range of user-friendly, paperless personnel systems and processes. We have been in the forefront of other initiatives such as implementing electronic commerce, proposing a franchise fund pilot, and establishing a new Interior Service Center which includes operational activities previously in offices within Departmental Management.

These efforts will continue in 1997 to assure that the funds we are asking you for will produce the highest levels possible of direct front-line customer service and on-the-ground activity. Over 30 reinvention labs across the Department are developing innovative new approaches to management, that will make the Department more efficient and effective. We will continue to consolidate efforts and eliminate levels of review, as the Denver Service Center of the National Park Service did to reduce by 50 percent the amount of architectural and engineering review time required for major projects. The review days for programs are being decreased from an average of 810 to 395 -- a reduction of two work-years.

With this background, I'd now like to give you an overview of the key elements of the 1997 budget.

**Partnerships.** A theme that runs throughout this budget is continued -- and expanded -- support for regional partnerships with States, local and tribal governments, other Federal agencies, industry, non-profit groups, and concerned ordinary citizens. These partnerships are a better way of doing business. They are not top down programs dictated by the Federal Government. They involve bringing people together to consider regional problems on a landscape scale. The goal is to involve all stakeholders and search for consensus, looking for common ground to implement a vision of how we live on the landscape.

The solutions derived from successful partnerships will be more effective and enduring than piecemeal efforts by individual Federal agencies or State and local entities. By looking at whole landscapes and by bringing all stakeholders to the table, we can strive for balanced solutions that provide for the renewal of America's natural and cultural heritage and for a vibrant and sustainable economy.

All told, this budget will support literally hundreds of partnerships, from the Blackstone River in New England to habitat conservation plans in San Diego:

- In the Everglades, we have brought together a broad group of Federal, State, tribal, county, municipal, and special purpose agencies to address a simple fact: the Everglades are dying. Water flowing from the Kissimmee River to Florida Bay today traverses an ecosystem shaped and reshaped over the last 100 years by a man-made flood control system. The consequences of these artificial changes include a decline by nearly 90 percent of wading bird populations in Everglades National Park, the collapse of commercial fisheries in Florida Bay, and the degradation of water quality.

The comprehensive plan that has emerged to respond to this long-developing crisis includes three elements. First, the natural hydrologic functioning of the Everglades must be reestablished by acquiring land for habitat preservation, dynamic water storage and filtration purposes. Second, current restoration projects and scientific research must be accelerated. Third, stakeholders in the region must make a long-term commitment to ensure that restoration efforts will support the health of Florida's environment and economy.

The State of Florida has committed major resources to restoration of the Everglades. In this budget, the Administration requests Everglades funding of \$155.8 million for the Department to pay for critical land acquisition to improve water storage and water quality and for accelerated hydrologic and biological research, resource protection at parks and refuges, and construction of modified water delivery structures.

- In the Pacific Northwest, the 1997 budget will provide the funding necessary to continue the Administration's commitment to a Forest Plan that strengthens both the environmental health and economic health of Oregon, Washington and Northern California. The Forest Plan marks an entirely new chapter in conservation history in the sense of taking into consideration an entire landscape and bringing together good science and good forestry practice to build a timber plan across an entire region that balances environmental concerns and a sustainable level of timber harvests. The budget for the Department's Forest Plan work is \$79.2 million. With this funding, the Bureau of Land Management, in consultation with the Fish and Wildlife Service, will be able to offer 211 million board feet of timber for sale in 1997.
- The Bureau of Reclamation is working with water agencies in the West to study and, where authorized, construct wastewater reclamation and reuse projects. By sharing its technical expertise and its knowledge of emerging technologies in this area, Reclamation can assist in the development of innovative ways to solve contemporary water supply problems. The 1997 request includes \$32.2 million towards the Federal cost share of four projects in California, an increase of \$11.8 million over the 1996 level for those projects. The four projects are: the Los

Angeles Area Water Reclamation and Reuse Project; the San Diego Area Water Reclamation Program; the San Gabriel Basin Project; and the San Jose Area Water Reclamation and Reuse Program. While each project is aimed at the special problems in its community, the work typically involves construction of advanced wastewater treatment facilities and pipelines and related pumping plants to distribute reclaimed water for industrial and other uses. In addition, Reclamation is funding major cost-shared studies of the potential for water reclamation and reuse in the southern California region, the San Francisco area, and the Tucson/Phoenix area.

- In the coal mining states in the Appalachian region, the Office of Surface Mining has been leading the Appalachian Clean Streams initiative, a partnership effort with other Federal agencies, State coal regulatory authorities, fish and wildlife agencies, local water districts, and grass roots organizations in the coal fields. Over 7,000 miles of streams in West Virginia, Tennessee, Kentucky, Ohio, Pennsylvania, and other States have been devastated by the effects of acid mine drainage, damaging human health, fish and wildlife, public water supplies, business development, recreation, and tourism. With its partners, OSM is applying known technology to restore and enhance these streams for the benefit of the human and natural communities that depend on them. The budget includes \$4.3 million from the Abandoned Mine Land Fund as seed money to initiate clean-up at 12 sites in eight States.
- Throughout the country, the Department is working with private landowners, State and local governments, and others to develop Habitat Conservation Plans that allow economic development activities to continue without harming listed, proposed, or candidate endangered species. Successes have included agreements in the Pacific Northwest with timber companies that allow logging, while affording protection to the spotted owl and other species; agreements in the Southeast with States, the private sector, and the Department of Defense to protect Red Cockaded Woodpecker habitat; and the recent agreement to provide habitat for the desert tortoise in Utah. In 1997, there will be over 300 HCPs under development. To support this critical work, the budget proposes an increase in the Fish and Wildlife Service's consultation program and a \$6 million pilot program for grants to States to assist in paying the costs of land acquisition as part of HCPs.

**Land Management Operations.** As have our budgets for the past three fiscal years, the 1997 budget proposes the funding we believe necessary to adequately operate and maintain the National park and wildlife refuge systems, as well as the public lands in the West. As in prior years, we propose to put resources where they count most: close to park visitors, wildlife watchers and hunters, stockmen and miners, and recreational boaters and anglers who use them. Demand for services from all three of the land management bureaus is growing. Park visitation is projected at 273 million people in 1997, and hunting, recreation, and other visits to the public lands and wildlife refuges will continue to increase.

The President proposes an increase of \$90.2 million from the 1996 Interior Conference bill for the Operation of the National Park System account. This increase will allow the System's 369 parks to maintain operational capabilities and at least keep even with maintenance requirements. At a minimum, all parks will receive a three percent increase to maintain current levels of resource protection and visitor services; parks with more deeply rooted problems will receive a larger increase. Increases totaling \$13 million will go directly to 39 parks in the form of specific program increases to address immediate resource needs. An additional \$16 million is requested for natural and cultural resource management, regional maintenance programs, and the air quality program. Increased air quality monitoring will allow the Park Service to ensure the integrity of Class I park areas threatened by air pollution. Visitor services in parks will be further enhanced by continued funding in the Construction account for visitor transportation improvements at Grand Canyon and Zion National Parks.

For the Fish and Wildlife Service proposed increases in the Resource Management account include \$10 million over 1996 for operation and maintenance of the highest priority units of the National Wildlife Refuge system. This will allow greater opportunities for compatible, wildlife-dependent recreation, reduce maintenance backlogs, and provide additional habitat restoration. A \$4.4 million initiative to help revitalize wild fish stocks of recreational importance for the Nation's 50 million licensed anglers is also proposed. This funding will restore and enhance degraded habitat in cooperation with States, local communities, Tribes, and other recreational fisheries stakeholders in the Colorado River basin, the Atlantic and Gulf Coast States, the Great Lakes region, and the Missouri/Mississippi basin. Additional efforts will focus on the impacts of whirling disease on trout fisheries in Montana and other western States.

The Bureau of Land Management budget for 1997 emphasizes protection of natural resources, renewed support for recreational customers, and full implementation of the Forest Plan. Proposed increases in the Management of Lands and Resources account for these efforts total \$19.3 million, but are partially offset by decreases in other programs, including the Automated Land and Mineral Records System where development efforts are winding down. The proposed increases will support overdue improvements in the management of riparian areas and fish and wildlife habitat, storm water pollution abatement at abandoned mine sites, control of noxious weeds, and infrastructure maintenance at BLM recreation sites.

**Endangered Species Program.** The Endangered Species Act is a strong, effective conservation tool that can work to preserve the biological diversity of our Nation without stifling economic development. Over the past three years, we have used previously neglected tools in the Act to provide greater administrative flexibility, allowing us to continue effective protection for species while minimizing economic effects, assuring fair treatment for landowners, and reducing delay and uncertainty for States, local governments, private industry, and individuals. The President's

budget proposes a level of funding that will allow us to continue these efforts in 1997.

The budget restores adequate funding for the candidate conservation program to pay for partnership efforts with Federal and State landowners and the private sector to arrest the decline of species that are candidates for listing under the ESA. There are about 180 candidate species in States from Maine to Hawaii, including the Bull Trout in Idaho and Montana and the Black Bear in Florida and Georgia. Relatively modest preemptive expenditures on these species now could avoid the need to list them in the future.

The budget also restores the funding required for an orderly listing program. For the past year, final listings have been prohibited by the moratorium adopted in the 1995 Defense Supplemental Appropriations Act. Since October, the Fish and Wildlife Service has been prevented by a lack of funding from conducting any meaningful preparatory or analytical work. Continuing to ignore the 238 species currently proposed for listing means that many of them may continue to decline. We will have less flexibility in managing protection for these species when they are listed and will spend more on recovering them.

The budget restores full funding for the consultation program and provides an increase of \$4 million for work on the Pacific Northwest Forest Plan. The 1997 program will focus on over 300 HCPs and an expanded up front technical assistance to assure expedited permitting processing of HCP applications.

The budget fully funds the recovery program to get ahead of the burgeoning backlog of recovery actions. The 1996 Conference level has impacted ongoing recovery efforts for the desert tortoise, sea turtles, Hawaiian forest birds, manatee, Louisiana black bear, and whooping crane, among others, and will lead to even more expensive future recovery programs. Funding for 1997 will be used to accelerate recovery using a multi-species approach.

**Elwha Dams Removal.** As part of a Government-wide effort to improve planning and budgeting for fixed asset acquisition, the budget includes \$111 million in a Government-wide general provision to provide "upfront" budget authority for restoration of the Elwha River in Olympic National Park, Washington, as authorized by Public Law 102-495. Starting in FY 1998 after environmental studies have been completed, the National Park Service would use these funds to acquire the Elwha and Glines Canyon Dams and to fully restore the river ecosystem. Long-term benefits of this project are estimated at \$163 million and include restoring native fisheries for both the Elwha Tribe and local communities, improving natural resources and recreation within the park, and creating jobs during the restoration effort.

**BIA Programs.** The largest partnership in our budget is our partnership with the over 550 Federally recognized Tribes. In 1994, the President invited all tribal leaders

to the White House for a historic government-to-government meeting. The 1997 budget continues to build on this base by proposing that 51 percent of the operating budget of the Bureau of Indian Affairs be devoted to Tribal Priority Allocation programs. Tribes may establish their own priorities for the use of TPA funds based on local conditions and unique needs. More than 85 percent of the operating budget is available for operation by Tribes under Self-Determination contracts and Self-Governance Compacts.

As we ask Tribes to take on increased responsibility, we must provide adequate resources, both for Tribes and for the Government's residual trust responsibilities. To meet this commitment, the President's budget proposes an increase for the Bureau of Indian Affairs of \$211 million over the 1996 Conference level.

Three-quarters of the proposed increase will go to Tribal Priority Allocation programs. This will restore these programs to the level of 1995 and provide an additional increase of \$86 million or nine percent to pay for basic necessities and services critical to the quality of life on reservations, including tribal government, law enforcement, child welfare, scholarships, natural resource management, and road maintenance.

An increase of \$43.5 million is proposed for school operations to provide funds needed for BIA schools to maintain academic standards and provide safe transportation for an anticipated 1997-1998 enrollment of 51,800 elementary and secondary school students.

In the President's budget, TPA and education programs together comprise 83 percent of the BIA operating budget. Other reservation-based programs account for eight percent. Only nine percent of the operating budget pays for administration. In 1997, Central and Area Offices and other support functions are funded at a level almost \$28 million lower than two years ago. Central Office staffing will be one third below two years ago; only critical trust and inherently Federal functions remain.

**Office of the Special Trustee.** To provide for orderly implementation of the transfer directed in the 1996 Conference bill, I have administratively transferred authority for a portion of my trust responsibilities to Indian Tribes and individuals from BIA to the Special Trustee for American Indians. As a result, the Special Trustee now has direct authority and responsibility for a significant component of the trust asset management function -- collection, disbursement, and investment of Indian trust moneys -- as well as general oversight for other Interior trust functions.

A 1997 increase of \$20 million is proposed for functions reporting to the Special Trustee. The additional resources will be used to continue efforts to bring trust resource management, accounting, investment, and related systems up to industry standards, and immediately address accounting systems and control deficiencies. These efforts will help ensure that the Federal Government fulfills its responsibilities to properly account for and invest, as well as maximize the return

on, all Indian trust moneys; and prepare accurate and timely reports to account holders regarding all collections, disbursements, investments, and investment earnings. These and other efforts over the next three years will be guided by a comprehensive strategic plan to be developed by the Special Trustee.

**Science.** The Administration is committed to a vital program of scientific research conducted by the Department of the Interior. Interior's earth science and biological research have contributed greatly to describing and resolving the Nation's resource and environmental issues, as well as to safeguarding the health, safety, and welfare of the American people.

The 1997 budget continues this commitment with a request for the U.S. Geological Survey of \$746.4 million, an increase of \$15.8 million over the 1996 level. As a result of 1996 Congressional action, USGS is now Interior's "science agency" responsible for most of the Department's scientific research activities. Funding for the biological science programs of the former National Biological Service has been merged with that for the earth science programs of USGS. In addition, the Congress transferred mineral resource information functions from the U.S. Bureau of Mines to USGS. Although we did not propose or request the consolidation of science programs in USGS, we are committed to making the consolidation work and to taking advantage of the potential synergy between biological and earth sciences.

Fiscal Year 1997 increases in USGS include \$5 million for work related to equipment upgrade to establish a basic infrastructure to manage classified data that can be used by civilian agencies to address environmental issues and \$5.8 million for biological work on Federal lands prioritized by the land management agencies. In addition, USGS will redirect \$5.4 million within its base to higher priority programs, including: examining the public drinking water supply; studying urban geologic hazards; compiling and producing a digital National Atlas in cooperation with other Federal agencies and private and public interest groups; and supplying the geospatial data to support the 2000 Decennial Census before FY 1999.

**Conclusion.** There are numerous differences on budgetary and fiscal policy between our Administration and the Congress. I believe, however, that the 1997 budget for the Department of the Interior supports priorities on which there should be consensus.

This concludes my statement. I will be happy to answer any questions you may have.

## Question for Secretary Babbitt

On June 6, 1995, you were quoted in the San Francisco Chronicle as follows:

*"I've never felt that being an environmentalist means saying no to necessity.  
The National Academy of Sciences says it's safe, so I'm prepared to go ahead with it."*

This was in reference to the National Academy of Sciences report, released in mid-May, 1995, which concluded that the proposed low-level radioactive waste site at Ward Valley, California was highly unlikely to pose any threat to the Colorado River.

In an earlier press statement released on May 31, 1995, you had stated:

*"I believe that Academy report provides a qualified clean bill of health in relation to concerns about the site, and an additional measure of confidence that the land transfer is in the public interest."*

On February 15, 1996, the Department of the Interior released a press statement which announced that two additional studies will be conducted prior to the transfer of the land, which are intended to **"follow through on recommendations made by a National Academy of Sciences panel in May 1995."** However, the actual recommendation of the NAS panel was that while additional testing at the site should occur, it should not preclude the transfer of the land to the State of California, and could be done in conjunction with the construction and operation of the facility.

1. Please explain the apparent reversal of your position on this matter, and explain why Interior is choosing to selectively interpret the findings of the NAS panel, which almost a year ago you were "prepared to go ahead with".
2. If it is safe, as you stated on June 6, 1995, then why, almost a year later, has Interior seemingly disregarded the NAS recommendations, and requested additional studies prior to transferring the land to the State of California?



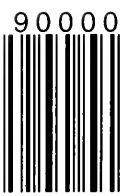




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